

has presented substantial information that the requested action may be warranted. Review of the status of those six species begins herewith. A petition to list the Spruce Creek king's crown snail has not presented substantial information that the requested action may be warranted. The Service also announces its 12-month findings with respect to five pending petitions to add species to the List of Endangered and Threatened Wildlife. Petitioned actions to list the blackside dace, orangefin madtom and Roanoke logperch, flattened musk turtle, Concho water snake, and Florida scrub jay were found to be warranted but precluded by other efforts to revise the lists. The petition to list the Concho water snake included a request to list also a related subspecies, the Brazos water snake, an action found not to be warranted.

DATES: The findings announced in this notice were made between October 12, 1984, and April 28, 1985. Comments and information may be submitted until further notice.

ADDRESSES: Information, comments, or questions should be submitted to the Associate Director—Federal Assistance (OES), U.S. Fish and Wildlife Service, Washington, DC 20240. The petitions, findings, supporting data, and comments 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: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate 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**. If the finding is positive, the Service is also required to promptly commence a review of the status of the involved species.

Section 4(b)(3)(B) of the Act, as amended, requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or

commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted, but precluded from immediate proposal by other pending proposals. Section 4(b)(3)(C) requires that petitions for which the action requested is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e. requiring a subsequent finding to be made within 12 months. Such 12-month findings are also published promptly in the **Federal Register**.

Initial 90-day findings were announced for the blackside dace on September 4, 1984 (49 FR 34878); for the orangefin madtom and Roanoke logperch on January 16, 1984 (49 FR 1919); for the flattened musk turtle on April 5, 1984 (49 FR 13558); for the Concho and Brazos water snakes (as Harter's water snake) on May 18, 1984 (49 FR 21089); and for the Florida scrub jay on July 13, 1984 (49 FR 28583). The Concho water snake (*Nerodia harteri paucimaculata*) and Brazos water snake (*Nerodia harteri harteri*) have been referred to together in the previous notices as Harter's water snake (*Nerodia harteri*). Status review for the flattened musk turtle began with a notice of review on June 6, 1977 (42 FR 28903). Status review for the other species mentioned commenced with the December 30, 1982, vertebrate notice of review (47 FR 58454).

Findings

1. A petition from Travis Audubon Society, dated February 8, 1985, and received by the Service on February 12, 1985, requested listing as endangered species the following six cave organisms: *Microcreagris texana*, *Leptoneta myopica*, *Texella reddelli*, *Rhadine persephone*, *Texamaurops reddelli*, and *Cylindropsis* species (Tooth Cave blind rove beetle, undescribed species). These animals are found only in a limited set of caves in northwest Travis County and adjacent Williamson County, Texas, within or near an area known as the Parke that has been proposed for commercial and residential development. The Service has made the finding that this petition does present substantial information that the requested action may be warranted.

2. A petition from Mr. John K. Tucker, dated January 22, 1985, and received by the Service on January 28, 1985, requested listing as an endangered species an undescribed *Melongena* (king's crown) snail he considers a

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Findings on Petitions and Initiation of Status Review

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and status review.

SUMMARY: The Service announces 90-day findings on two petitions to add species to the List of Endangered and Threatened Wildlife. A petition to list six cave-adapted invertebrate species

distinct species that lives only in the Spruce Creek estuarine system of Volusia County, Florida. The Service found that the petition did not present substantial information that the requested action may be warranted.

3. A pending petition to list the blackside dace, *Phoxinus cumberlandensis*, dated May 11, 1984, was received by the Service on May 16, 1984, from Mr. George Burgess on behalf of the Southeastern Fishes Council. The blackside dace is a rare minnow restricted to small upland streams of the upper Cumberland River drainage in Kentucky and Tennessee, above and just below Cumberland Falls. On the basis of the best scientific information available the Service has found that the action requested by this petition is warranted, but precluded from immediate proposal because of other pending proposals to list, delist, or reclassify species.

4. A pending petition to list two fish species, the orangefin madtom, *Noturus gilberti*, and the Roanoke logperch, *Percina rex*, as threatened species, dated September 29, 1983, was received by the Service on October 6, 1983, from Mr. Noel M. Burkhead. The orangefin madtom is known only from the Roanoke River drainage in Virginia and North Carolina and one tributary of the James River in Virginia. The Roanoke logperch is known only from the Roanoke River drainage, including the Dan and Chowan Rivers, all within the State of Virginia. On October 12, 1984, the Service made the 12-month finding that both actions requested are warranted, but precluded from immediate proposal because of other pending proposals to list, delist or reclassify species. Through an oversight, the announcement of this finding was omitted from the notice of petition findings published May 10, 1985 (50 FR 19761).

5. A pending petition to list the flattened musk turtle as threatened, dated November 30, 1983, was received by the Service on December 1, 1983, from Mr. Michael Bean and Mr. Bruce Manheim on behalf of the Environmental Defense Fund. The flattened musk turtle is known only from the upper Black Warrior River system above Bankhead Dam in Alabama. Status surveys have been conducted under contract with the Service and separately under the sponsorship of Alabama Coal Association. The Service's review of the best scientific and commercial information available indicates that the action requested by this petition is warranted. An immediate proposal to implement listing is

precluded because of other pending proposals to list, delist, or reclassify species.

6. A pending petition to list the Concho water snake, *Nerodia harteri paucimaculata*, as threatened, dated February 14, 1984, was received by the Service on February 28, 1984, from Mr. Ted L. Brown of the New Mexico Herpetological Society. The Concho water snake is known only from the Concho and upper Colorado Rivers of west central Texas. An earlier survey of its status was conducted under cooperative agreement with John W. Flury and Terry C. Maxwell of Angelo State University and supplemented with additional information from surveys by Norman J. Scott and Lee A. Fitzgerald of the Service's Denver Wildlife Research Center. After review of the best scientific information available, the Service has found that the action requested by the petitioner in respect to the Concho water snake is warranted. An immediate proposal to implement listing is precluded because of other pending proposals to list, delist, or reclassify species.

7. The pending petition just described dated February 14, 1984, and received by the Service on February 28, 1984, from Mr. Ted L. Brown of the New Mexico Herpetological Society, also requested listing as threatened the Brazos water snake, *Nerodia harteri harteri*. This snake is known from the Brazos River of central Texas. On the basis of the scientific information available in 1982, the Brazos water snake was considered with the Concho water snake (as Harter's water snake) in the comprehensive vertebrate notice of review. Additional information secured in recent surveys indicates the Brazos water snake is neither as rare nor as patchy in distribution as originally believed. The Service has found that the action requested by the petitioner with respect to the Brazos water snake is not warranted by its present status.

8. A pending petition to list the Florida scrub jay as threatened, date March 16, 1984, was received by the Service on March 22, 1984, from Dr. Jeffrey A. Cox. The supporting data, with population estimates and past and present distribution, was developed in his University of Florida doctoral dissertation, "Conservation and Ecology of the Florida Scrub Jay." This bird is known only from pockets of scrub oak on sand ridges in central and coastal Florida, isolated from other scrub jay subspecies by about 1000 miles of unsuitable habitat. The Service has found that the action requested by this petitioner is warranted, but precluded

from immediate proposal by other pending proposals to list, delist, or reclassify species.

Section 4(b)(3)(B)(iii) of the Act states that petitioned actions may be found to be warranted but precluded by other listing actions when it is also found that the Service is making expeditious progress in revising the lists. Expeditious progress in listing endangered and threatened species is being made, and is reported annually in the **Federal Register**. The most recent progress report was published on May 10, 1985 (50 FR 19761).

The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the six Texas cave invertebrate species under status review. They include: (1) *Microeagris texana* Muchmore (Arachnida; Pseudoscorpionida; Neobisiidae), (2) *Leptoneta myopica* Gertsch (Arachnida; Araneae; Leptonetidae), (3) *Texella reddelli* Goodnight and Goodnight (Arachnida; Opilionida; Phalangodidae), (4) *Rhadine persephone* Barr (Insecta; Coleoptera; Carabidae), (5) *Texamaurops reddelli* Barr and Steeves (Insecta; Coleoptera; Pselaphidae), and (6) *Cylindropsis* species undescribed, Tooth Cave blind rove beetle (Insecta; Coleoptera, Staphylinidae). The sixth species represents the first New World blind staphylinid beetle, and apparently the first North American record of a genus previously known only from Europe.

Author

This notice was prepared by Dr. George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (730/235-1975 or FTS 235-1975).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*; 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).

List of Subjects in 50 CFR Part 17

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

Dated: July 9, 1985.

Susan Recce,

Acting Assistant Secretary for Fish and Wildlife and Parks.

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