

water snake is confined to the Brazos and Colorado River drainages in central Texas.

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: Johy 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 (ESA) 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 similar 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.

A petition to delist the yacare, *Caiman crocodylus yacare*, dated December 21, 1983, was received by the Service on December 27, 1983. It was submitted by Steven H. Mosenson of Baden Kramer and Huffman on behalf of the Reptile Skin Industry Trade Association, and requested the Service to delist the yacare under Section 4 of the Act. Included with the petition was a review of the status of the yacare submitted by Mr. Mosenson, a bibliography of literature references, and a statement on the status of the yacare in Bolivia by Sr. Gaston Bejarano. The Service has carefully reviewed this material, and has concluded that it does not present credible, substantial biological or commercial data to indicate that a delisting action may be warranted. This

finding is based on a review of the petition by staff of the Office of Endangered Species, the Federal Wildlife Permit Office, and the Office of the Scientific Authority.

The Service is aware of the controversy involving the assessment of the status of this species. To assist in clarification of the yacare's status, the Fish and Wildlife Service is cooperating with the Secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) in the development of a 2-year survey to be conducted under the auspices of CITES, the International Union for the Conservation of Nature and Natural Resources (IUCN) Crocodile Specialist Group, and the Governments of Brazil, Bolivia, and Paraguay. This survey should provide data on which the Service will be able to determine the present status of *C. c. yacare*. If these data show the species to be more numerous and widely distributed than presently believed, the yacare could be reclassified to threatened, or delisted from provisions of the Act. Until these data become available, the Service does not believe that delisting is warranted by the best available biological information.

The petition to list Harter's water snake, *Nerodia harteri*, dated February 14, 1984, was received by the Service on February 28, 1984. It was submitted by Ted L. Brown of the New Mexico Herpetological Society, and requested the Service to list both subspecies of this snake as threatened with critical habitat. Mr. Brown based the petition on two reports on this species' status which had been submitted to the Service under contract to Dr. Terry Maxwell of Angelo State University. The Service finds that this petition does contain substantial biological data to indicate that a listing may be warranted under provisions of the Act.

The required status review for this species, known only from central Texas, 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 snake.

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

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Findings on Petitions Involving the Yacare Caiman and Harter's Water Snake

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of Petition Findings.

SUMMARY: In this notice, the Service reports the initial finding on the substantiality of information presented in petitions to delist the yacare caiman, *Caiman crocodylus yacare*, and to list Harter's water snake, *Nerodia harteri*, under provisions of the Endangered Species Act of 1973, as amended. The yacare has been listed as endangered since 1970, and is native to Argentina, Brazil, Bolivia, and Paraguay. Harter's

4(b)(3)(B) and 4(b)(3)(D)(ii) of the Act, as amended.

The administrative decision for these findings was made and documented on March 14, 1984; to the extent they are consistent with the 1982 ESA Amendments, the criteria in 50 CFR 424.14 were used to define and evaluate these petitions.

This notice was prepared by Dr. 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 Office in Albuquerque, and other Fish and Wildlife Service offices as noted above.

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: May 10, 1984.

G. Ray Arnett,

Assistant Secretary for Fish and Wildlife and Parks.

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