
DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service**50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Findings on Pending Petitions and Description of Progress on Listing Actions**

AGENCY Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and description of progress.

SUMMARY: The Service announces its findings on pending petitions to add to and revise the Lists of Endangered and Threatened Wildlife and Plants. These findings must be made within one year of either the date of receipt of such a petition or of a previous positive finding. The Service also describes its progress in revising the lists during the period from October 1, 1985, to September 30, 1986.

DATES: The findings announced in this notice were made on or before October 31, 1986. The description of the Service's progress in revising the lists is current as of October 1, 1986.

FOR FURTHER INFORMATION CONTACT: William Knapp, Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, 500 Broyhill Building, Washington, DC 20240 (703/235-2771 or FTS 235-2771).

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended in 1982 (16 U.S.C. 1531 *et seq.*), 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 on the merits within 12 months of the date of receipt of the petition. Provisions of the Endangered Species Act Amendments of 1982 required that such petitions pending on the date of enactment of the Amendments be treated as having been filed on that date, i.e. October 13, 1982. Section 4(b)(3)(C)(i) of the Act requires that any petition for which a 12-month

finding of "warranted but precluded" is made should be treated as having been resubmitted, with substantial scientific or commercial information that the petitioned action may be warranted, on the date of such a finding, i.e. requiring an additional finding to be made within 12 months. This notice reports findings made on or before October 13, 1986, in respect to pending petitions for which such additional findings were due, and describes the Service's progress in revising the Lists of Endangered and Threatened Wildlife and Plants during the fourth year following the enactment of the 1982 Amendments.

The initial (90-day) findings for petitions considered here were announced in the **Federal Register** on February 15, 1983 (48 FR 6752), January 16, 1984, (49 FR 1919), December 18, 1984 (49 FR 49118), or May 2, 1986 (51 FR 16363).

All but one of the plant species involved in these petition findings were listed individually in a comprehensive notice of review for plants first published in the **Federal Register** on December 15, 1980 (45 FR 82480), and most recently updated as a notice of review published September 27, 1985 (50 FR 39526). The animal species mentioned below, but not named individually, were identified individually in the first announcement of 12-month petition findings published in the **Federal Register** on January 20, 1984 (49 FR 2485), and again in the second annual announcement published on May 10, 1985 (50 FR 19761).

Findings

Section 4(b)(3)(B) of the Act requires that the Service make one of the following 12-month findings on each petition presenting substantial information: (i) The petitioned action is not warranted; (ii) the petitioned action is warranted and will be proposed promptly; or (iii) the petitioned action is warranted but precluded by other efforts to revise the lists, and expeditious progress is being made in listing and delisting species. Petitioned actions found to be warranted are the subjects of proposals that will be published promptly or have already been published in the **Federal Register**. Therefore only findings of "not warranted" and "warranted but precluded" for pending petitions are reported here.

"Not warranted" and "warranted but precluded" findings for pending plant petitions repeat the findings made in October 1985 and announced in the **Federal Register** for January 9, 1986 (51 FR 996), except for the removal of 32

plant species proposed for listing as threatened or endangered during fiscal 1986. Findings on the plants are made by notice of review categories; application of these to individual taxa is published in a notice of review for plants published September 27, 1985 (50 FR 39526). The plant notice category number opposite the name of each taxon that is the subject of a pending petition indicates the Service's finding on that taxon. Findings of "not warranted" on the petitioned action are reported by the designation of subcategories 3A, 3B, or

3C for such taxa. Findings of "warranted but precluded" are reported by the designation of category, 1, 1*, 1**, 2, 2*, or 2** for such subject taxa. The complete definitions of these category numbers are described on pages 39526 and 39527 in the 1985 general plant notice of review (50 FR 39526).

The Service's 12-month findings of "not warranted" and "warranted but precluded" on pending animal petitions are presented in Table 1. A single petitioned action that was found not to be warranted is indicated by the word

"No" in the "Warranted?" column. The "Yes" in the same column indicates petitions to list, delist, or reclassify species for which the principal findings are "warranted but precluded" from immediate proposal by other efforts to revise the lists. A "Yes" qualified with an asterisk signifies that at least some taxa mentioned in the original petition have been individually found to be not warranted for listing in previous petition notices, or in previous notices of review, or both.

TABLE 1.—TWELVE-MONTH FINDING ON PENDING ANIMAL PETITIONS

Description	Petitioner	Date Received	Warranted?
6 species of sponges	Mr. Ronald M. Cowden	June 17, 1974	Yes. ¹
45 species of cave crustaceans	National Speleological Society	Sept. 9, 1974	Yes. ¹
6 species of cave amphipod crustaceans	Dr. John Holsinger	July 12, 1974	Yes.
Uncompahgre fritillary butterfly	Dr. Lawrence F. Gall	Nov. 5, 1979	Yes.
Columbia River tiger beetle	Mr. Gary Shook	Dec. 15, 1979	Yes.
Shoshone sculpin	Dr. Peter A. Bowler	Dec. 3, 1979	Yes.
Bonneville cutthroat trout	Desert Fishes Council	Oct. 23, 1979	Yes.
Silver rice rat	Center for Action on Endangered Species	Mar. 12, 1980	Yes.
Bliss Rapids snail and Snake River physa snail	Dr. Peter A. Bowler	Feb. 7, 1980	Yes.
19 U.S. and 60 foreign species of birds	International Council for Bird Preservation	Nov. 24, 1980	Yes. ¹
Wiest's sphinx moth	Dr. Karolis Bagdonas	Jan. 26, 1981	No.
Guam rufous-fronted fantail	Hon. Paul M. Calvo, Governor of Guam	Dec. 23, 1981	Yes.
Orangefin madtom and Roanoke logperch	Mr. Noel M. Burkhead	Oct. 6, 1983	Yes.

¹ Petitions for which the requested action is considered warranted for all taxa except for certain ones that were specified individually in previous petition notices and/or current comprehensive notices of review.

A finding of "not warranted" for the 1981 petition from Dr. Karolis Bagdonas to list Weist's sphinx moth as an endangered species was made by the Service on October 10, 1985. The finding is based on results of a status survey by U.S. Fish and Wildlife Service personnel in late spring of 1986. The survey showed unequivocally that this species has a much wider distribution than previously believed, in a type of habitat that appears to be adequately represented for survival of the moth and reasonably secure from adverse modification. The category indicated by this information for the next comprehensive invertebrate notice of review is 3C, signifying a species that is no longer under active consideration by the Service for listing.

The finding of "warranted but precluded" for a 1980 petition by Dr. Peter A. Bowler applies equally to two species mentioned in his petition, the Bliss Rapids snail and the Snake River physa snail. Although the latter species was inadvertently omitted from individual mention in Table 1 of the notice published January 9, 1986 (51 FR 996), it was included in the finding for October 1985, as well as in the October 1986 findings being announced here.

Another petition finding became due and was made in October, and can be conveniently reported at this time. In a petition dated October 8, 1985, and received October 15, 1985, Mr. Paul R. Neal requested the Service to list *Talinum humile*, the Pinos Altos fame flower (one of only a few plant species under Service review but not listed in the 1975 Smithsonian petition or its 1978 update). An administrative finding that substantial information had been submitted indicating that the action requested may be warranted was announced in a **Federal Register** notice published on May 2, 1986 (51 FR 16363). Historically, *Talinum humile* has been known from three locations, one each in Arizona, New Mexico, and Sierra de Ajusco, Mexico. Recent searches have failed to relocate the species at its type locality in New Mexico. No recent searches for it have been conducted in Mexico. The only verified locality is in southern Arizona, where a single known population occurs on private land and could easily be eliminated if management of the site does not consider the plant's well-being. However, more information is needed regarding distribution of the species in New Mexico and Mexico before it can

be given a high priority for possible listing. While this information is lacking, this species will remain in category 2 of the Service's comprehensive plant notice of review. The action requested by this petition is considered to be warranted according to the best information available, but precluded by work on other species having higher priority for listing.

Progress in Revision of the Lists

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. The Service's progress in revising the lists in the year following October 1, 1985, the cutoff date of the previous report, is described below. For simplification in reporting, the 12-month period described actually coincides with the 1986 fiscal year; activity during the last 12 days preceding the anniversary of the Amendments will be described in a subsequent notice. The described activities prevented immediate action on the "warranted but precluded" petitioned actions.

The Service's progress in revising the lists during fiscal year 1986 is represented by the publication in the **Federal Register** of final listing actions on 51 species, and proposed listing actions of 66 species. The number of species affected by each type of listing action published during this period is presented in Table 2.

TABLE 2—LISTING ACTIONS DURING THE PERIOD OCTOBER 1, 1985, THROUGH SEPTEMBER 30, 1986

Type of action	Number of species affected
Final endangered status with critical habitat.....	2
Final endangered status	39
Final threatened status with critical habitat.....	3
Final threatened status	7
Proposed endangered status with critical habitat	2
Proposed endangered status	46
Proposed threatened status with critical habitat	4
Proposed threatened status	11
Proposed delisting	1
Proposed reclassification endangered or threatened to threatened due to similarity of appearance	2

As of October 1, 1986, the Service's Washington Office of Endangered Species was also reviewing documents that would propose or make final listing actions on 82 species. The type of action and numbers of affected species are given in Table 3.

TABLE 3—POSSIBLE LISTING ACTIONS FOR WHICH THE SERVICE WAS REVIEWING DRAFT DOCUMENTS ON OCTOBER 1, 1986

Type of action	Number of species affected
Final endangered status with critical habitat.....	3
Final endangered status	18
Final threatened status with critical habitat.....	7
Final threatened status	5
Proposed endangered with critical habitat	1
Proposed endangered status	30
Proposed threatened with Critical habitat.....	2
Proposed threatened status	10
Proposed change from endangered to threatened status	4
Proposed delisting	2

The general plant and animal notices of review are important tools for gathering data on species that are candidates for listing and for informing interested parties on the Service's general views on the status of present and past candidate species. The Service is currently preparing a general notice of review for animals, to include both vertebrate and invertebrate species. The most recent previous general notices were for plants on September 27, 1985 (50 FR 39526), for vertebrate animals on September 18, 1985 (50 FR 37958), and for invertebrate animals on May 22, 1984 (49 FR 21664).

The Service also funded status surveys for 45 species during the 1986

fiscal year. These surveys were designed to gather any additional data needed to make a determination on whether the subject species are eligible for protection under the Endangered Species Act.

Author

This notice was prepared by George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington DC 20240 (703/235-1975 or FTS 235-1975).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (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: June 19, 1987.

Susan Recce

Acting Assistant Secretary for Fish and Wildlife and Parks.

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