

## 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 findings on pending petitions and description of progress on listing actions.

**SUMMARY:** The Service announces its findings on pending petitions to revise the Lists of Endangered and Threatened Wildlife and Plants. These findings must be made within one year of 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 13, 1983 to October 12, 1984.

**DATES:** The findings announced in this notice were made on October 12, 1984. The description of the Service's progress in revising the lists is current as of October 13, 1984.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 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 at section 2(b)(1) of the Endangered Species Act Amendments of 1982 (hereafter called Amendments) require that petitions pending on the date of enactment of the Amendments (hereafter called pending petitions) be treated as having been filed on that date. Findings (hereafter called 12-month findings) on these petitions were therefore made on October 13, 1983, and reported in the *Federal Register* of January 20, 1984 (49 FR 2485). This notice reports findings made on October 12, 1984, on pending petitions, and describes the Service's progress in revising the Lists of Endangered and Threatened Wildlife and Plants during the second year following the enactment of the Amendments.

## Findings

The petitions that are the subjects of this notice are ones that the Service initially determined had presented substantial scientific or commercial information indicating that the petitioned action may be warranted. Some of these determinations were made and announced in the *Federal Register* before the enactment of the Amendments. A series of such determinations was announced in the *Federal Register* of February 15, 1983 (48 FR 6752). The remainder of the initial findings for taxa considered here were announced in the *Federal Register* on January 16, 1984 (49 FR 1919).

Section 4(b)(3)(B) of the Act requires that the Service make one of the following 12-month findings on each petition containing substantial information: (i) The petitioned action is not warranted; (ii) the petitioned action is warranted and the petitioned action 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 [(ii) above] are the subjects of proposals that will be published or have already been published in the *Federal Register*. Findings of "not warranted" and "warranted but precluded" [(i) and (iii) above, respectively] for pending petitions are reported here.

The Service's 12-month findings of "not warranted" and "warranted but precluded" on pending petitions for U.S. native animal taxa are given in Table 1. Petitioned actions that are found to be not warranted are indicated by the word "No" in the "Warranted?" column opposite the name of the affected species. Species that are the subjects of petitioned actions that are found to be warranted but precluded are designated with either "Yes" or "Yes\*" corresponding to categories 1 and 2, respectively, in the general animal notices of review. The general notice for vertebrate animals was published on December 30, 1982 (47 FR 58454), and can be consulted on the definitions of these category designations. The general notice on invertebrate animals was published on May 22, 1984 (49 FR 21664).

TABLE 1.—CURRENT 12-MONTH FINDINGS ON PENDING ANIMAL PETITIONS

Species	Petitioner	Date	Warranted
Carolina sponge, <i>Corymomyenia carolinensis</i> .....	Ronald M. Cowden.....	June 17, 1974.....	Yes*
Oklawaha sponge, <i>Dosella palmei</i> .....	do.....	do.....	Yes*
Kisimmee sponge, <i>Ephydatia subtilis</i> .....	do.....	do.....	Yes*
Pennsylvania sponge, <i>Heteromyenia longistylis</i> .....	do.....	do.....	Yes*
Oneida sponge, <i>Spongilla heterostentis</i> .....	do.....	do.....	Yes*
Central Missouri cave amphipod, <i>Allocrangonyx hubrichti</i> .....	National Speleological Society.....	Sept. 9, 1974.....	Yes*
Oklahoma cave amphipod, <i>Allocrangonyx peitucius</i> .....	do.....	do.....	Yes*
Pennsylvania cave amphipod, <i>Crangonyx dearoffi</i> .....	do.....	do.....	Yes*
Hobbs cave amphipod, <i>Crangonyx hobbsi</i> .....	do.....	do.....	Yes*
Illinois cave amphipod, <i>Gammarus acherondytes</i> .....	do.....	do.....	Yes*
Bousfield's amphipod, <i>Gammarus bousfieldi</i> .....	do.....	do.....	Yes*
Noel's amphipod, <i>Gammarus desperatus</i> .....	do.....	do.....	Yes*
Diminutive amphipod, <i>Gammarus hyalileoides</i> .....	do.....	do.....	Yes*
Pecos amphipod, <i>Gammarus pecos</i> .....	do.....	do.....	Yes*
Tidewater interstitial amphipod, <i>Stygobromus araeus</i> .....	do.....	do.....	Yes*
Arizona cave amphipod, <i>Stygobromus arizonensis</i> .....	J. Holsinger.....	July 12, 1974.....	Yes*
Balcones cave amphipod, <i>Stygobromus balconis</i> .....	National Speleological Society.....	Sept. 9, 1974.....	Yes*
Barr's cave amphipod, <i>Stygobromus bairi</i> .....	do.....	do.....	Yes*
Bifurcated cave amphipod, <i>Stygobromus bifurcatus</i> .....	do.....	do.....	Yes*
Bowman's cave amphipod, <i>Stygobromus bowmani</i> .....	do.....	do.....	Yes*
Clanton's cave amphipod, <i>Stygobromus clantoni</i> .....	do.....	do.....	Yes*
Bourneville Cove cave amphipod, <i>Stygobromus conradi</i> .....	do.....	do.....	Yes*
Cooper's cave amphipod, <i>Stygobromus cooperi</i> .....	do.....	do.....	Yes*
Cascade Cave amphipod, <i>Stygobromus delectus</i> .....	do.....	do.....	Yes*
Elevated Spring amphipod, <i>Stygobromus elatus</i> .....	do.....	do.....	Yes*
Greenbrier Cave amphipod, <i>Stygobromus emarginatus</i> .....	do.....	do.....	Yes*
Ephemeral cave amphipod, <i>Stygobromus ephemerus</i> .....	do.....	do.....	Yes*
Ezell's Cave amphipod, <i>Stygobromus flagellatus</i> .....	do.....	do.....	Yes*

TABLE 1.—CURRENT 12-MONTH FINDINGS ON PENDING ANIMAL PETITIONS—Continued

Species	Petitioner	Date	Warranted
Grady's cave amphipod, <i>Stygobromus gradyi</i>	J. Holsinger	July 12, 1974	Yes*
Devil's Sinkhole amphipod, <i>Stygobromus hadenoecus</i>	National Speleological Society	Sept. 9, 1974	Yes*
Hara's cave amphipod, <i>Stygobromus harai</i>	J. Holsinger	July 12, 1974	Yes*
(No common name), <i>Stygobromus heteropodus</i>	National Speleological Society	Sept. 9, 1974	Yes*
Malheur Cave amphipod, <i>Stygobromus hubbsi</i>	J. Holsinger	July 12, 1974	Yes*
Tidewater amphipod, <i>Stygobromus indentatus</i>	National Speleological Society	Sept. 9, 1974	Yes*
Long-legged cave amphipod, <i>Stygobromus longipes</i>	do	do	Yes*
MacKenzie's cave amphipod, <i>Stygobromus mackenziei</i>	J. Holsinger	July 12, 1974	Yes*
Mountain cave amphipod, <i>Stygobromus montanus</i>	National Speleological Society	Sept. 9, 1974	Yes*
Morrison's cave amphipod, <i>Stygobromus morrisoni</i>	do	do	Yes*
Bath County cave amphipod, <i>Stygobromus mundus</i>	do	do	Yes*
Norton's cave amphipod, <i>Stygobromus nortoni</i>	do	do	Yes*
Onodaga Cave amphipod, <i>Stygobromus onodagaensis</i>	do	do	Yes*
Ozark cave amphipod, <i>Stygobromus ozarkensis</i>	do	do	Yes*
Minute cave amphipod, <i>Stygobromus parvus</i>	do	do	Yes*
Peck's cave amphipod, <i>Stygobromus pecki</i>	do	do	Yes*
Pizzini's amphipod, <i>Stygobromus pizzini</i>	do	do	Yes*
Wisconsin well amphipod, <i>Stygobromus putealis</i>	do	do	Yes*
Redell's cave amphipod, <i>Stygobromus redelli</i>	do	do	Yes*
Alabama well amphipod, <i>Stygobromus smithi</i>	do	do	Yes*
Spring cave amphipod, <i>Stygobromus spinatus</i>	do	do	Yes*
Stelmack's cave amphipod, <i>Stygobromus stelmacki</i>	do	do	Yes*
Subtle cave amphipod, <i>Stygobromus subtilis</i>	do	do	Yes*
Wengerors' cave amphipod, <i>Stygobromus wengerorum</i>	J. Holsinger	July 12, 1974	Yes*
Alabama cave shrimp, <i>Palaemonetes alabamiae</i>	National Speleological Society	Sept. 9, 1974	Yes*
Palm Springs Cave crayfish, <i>Procambarus acherontis</i>	do	do	Yes*
Texas cave shrimp, <i>Palaemonetes antrorum</i>	do	do	Yes*
Squirrel Chimney cave shrimp, <i>Palaemonetes cummingsi</i>	do	do	Yes
Dolloff Cave spider, <i>Meta dollofi</i>	Thomas S. Briggs	Oct. 25, 1983	No
Columbia River tiger beetle, <i>Cicindela columbica</i>	Gary Shook	Dec. 15, 1979	Yes*
Uncompahgre fritillary butterfly, <i>Bolona scrocnema</i>	Lawrence F. Gall	Nov. 5, 1979	Yes
San Francisco tree lupine moth, <i>Grapholita edwardsiana</i>	Richard Arnold and Jerry R. Powell	Dec. 12, 1982	Yes*
Wiest's sphinx moth, <i>Euproserpinus wiesti</i>	Jo Brewer	Jan. 28, 1981	Yes
Bliss Rapids snail, Genus and species undescribed	Peter A. Bowler	Feb. 7, 1980	Yes
Snake River physa snail, <i>Physa</i> sp.	do	do	Yes
Bonneville cutthroat trout, <i>Salmo clarki utah</i>	P.G. Sanchez, Desert Fishes Council	Oct. 23, 1979	Yes
Shoshone sculpin, <i>Cottus greeneri</i>	Peter A. Bowler	Dec. 13, 1979	Yes*
Puerto Rican sharp-shinned hawk, <i>Accipiter striatus venator</i>	Internat. Council Bird Preservation	Nov. 24, 1980	Yes*
Puerto Rican broad-winged hawk, <i>Buteo platypterus brunnescens</i>	do	do	Yes*
Radak Micronesian pigeon, <i>Ducula oceanica ratakensis</i>	do	do	Yes*
Truk Micronesian pigeon, <i>Ducula oceanica terakoti</i>	do	do	Yes*
Mariana fruit dove, <i>Ptilinopus roseicapillus</i>	do	do	Yes*
Palau Nicobar pigeon, <i>Caloenas nicobarensis pelewensis</i>	do	do	Yes*
Virgin Islands screech owl, <i>Otus ruficapillus newtoni</i>	do	do	Yes
Ponape short-eared owl, <i>Asio flammeus ponapensis</i>	do	do	Yes*
Truk monarch, <i>Metabolus rugensis</i>	do	do	Yes*
Guam rufous-fronted fantail, <i>Rhipidura rufifrons uraniae</i>	Paul M. Calvo, Governor of Guam	Dec. 23, 1981	Yes
Palau white-breasted wood-swallow, <i>Aretanus leucorhynchus pelewensis</i>	Internat. Council Bird Preservation	Nov. 24, 1980	Yes*
Rota bridled white-eye, <i>Zosterops conspiciatata rotensis</i>	do	do	Yes*
Truk greater white-eye, <i>Rukia ruki</i>	do	do	Yes*
Least Bell's vireo, <i>Vireo bellii pusillus</i>	James M. Graves	Nov. 8, 1979	Yes
Amak song sparrow, <i>Melospiza melodia amaka</i>	Internat. Council Bird Preservation	Nov. 24, 1980	Yes*
Palau blue-faced parrotfinch, <i>Erythrura trichroa pelewensis</i>	do	do	Yes*
Silver rice rat, <i>Oryzomys argentatus</i>	Center for Action on Endangered Species	April 12, 1980	Yes*

An additional finding of "warranted but precluded" is reported here in the case of 58 foreign bird species for which listing was petitioned in 1980 by Dr. Warren B. King, Chairman, United States Section, International Council for Bird Preservation. The Service published a notice of review for these species on May 12, 1981 (46 FR 26464). Readers should refer to that notice for the names of the species involved.

A finding of "not warranted" in regard to a petition to list *Meta dollofi* (Dolloff Cave spider) requires some additional explanation of circumstances that favor continuation of a status review for this species. At the time the petition was submitted, the presence and restricted known distribution of this organism had not been given specific consideration in a planning process underway for development of lands belonging to the University of California in Santa Cruz County, California. At the same time, its

distribution and biology have received very little systematic scientific investigation at all. The petition by Thomas S. Briggs acknowledged these unknowns both in our biological understanding and in the directions that possible threats might take. However, without specifically considering this animal, all the planning documentation that has been made public to date includes ecological considerations for its environment, and the likely immediate threats have not materialized. Because of the apparent absence of direct threats, the existence of one more known colony that can be added to the two described in the petition, and the need for further understanding of its distribution and biology, the Service considers the petitioned listing of the Dolloff Cave spider not to be warranted at this time. As in the situation for the alligator snapping turtle discussed in the Federal Register for February 29, 1984

(49 FR 7416), however, the Service also continues to regard *Meta dollofi* as a possible candidate for future listing as endangered or threatened (category 2 in the general notice of review).

"Not warranted" and "warranted but precluded" findings for pending plant petitions are announced in this notice by categories; their application to individual taxa is published in a notice of review for plants in the December 15, 1980, Federal Register (45 FR 82480) as updated in a supplementary notice of review in the November 28, 1983, Federal Register (48 FR 53670). 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 hereby reported by the designation of subcategories 3A, 3B, or 3C for such taxa. Findings of "warranted

but precluded" are hereby reported by the designation of category 1, 1\*, 1\*\*, 2, or 2\* for such subject taxa. The complete definitions of these category numbers are described in the supplement to the 1980 general plant notice (45 FR 82479).

The following eleven plant species, placed in categories 1 or 2 in the 1980 notice of the 1983 supplement, were found not to warrant listing in 1984: *Arabis* sp. nov. ined. (Gray Knolls, Uintah Co., Utah), *Astragalus barnebyi*, *Astragalus lutosus*, *Astragalus striatiflorus*, *Cryptantha jonesiana*, *Eriogonum lancifolium*, *Opuntia basilaris* var. *woodburyi*, *Penstemon nanus*, *Sclerocacta spinosior*, and *Sphaeralcea caespitosa*.

Section 4(b)(3)(C)(i) of the Act requires that a petition found to be warranted but precluded be treated as an accepted petition newly submitted on the date of the finding. A finding on such a petition must then be made again within 12 months of the date of the last 12-month finding.

**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 expeditions progress in revising the lists. The Service's progress in revising the lists in the year following October 13, 1983, the current date of the previous report, is described in this section of the present notice. The described activities prevented immediate action on the "warranted but precluded" petitioned actions.

The Service has complied with section 4 by publishing revised regulations covering listing procedures under the Act (codified at 50 CFR Part 424, see 49 FR 38900, October 1, 1984) to comply with the Amendments. Provisions of the Amendments that address the handling of petitions have made it necessary for the Service to implement extensive new procedures for conforming to deadlines and making findings on petitions. These internal procedures have been set down by the Service in a June 15, 1984, document entitled *Petition Management Guidelines*, which is available from the Service on request (see "FOR FURTHER INFORMATION CONTACT: above).

The Service's progress in revising the lists during the 12-month period following October 13, 1983, is

represented by the publication in the **Federal Register** of final listing actions on 52 species, proposed listing actions on 62 species, and emergency listings on 2 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 OCT. 14, 1983 THROUGH OCT. 13, 1984

Type of action	Number of species affected
Emergency endangered status.....	2
Final endangered status with critical habitat.....	2
Final endangered status.....	37
Final threatened status with critical habitat.....	3
Final threatened status.....	1
Final designation of critical habitat.....	1
Final removal from lists.....	4
Final change from threatened to endangered status.....	1
Final change from endangered to threatened status.....	3
Proposed endangered status with critical habitat.....	21
Proposed threatened status with critical habitat.....	10
Proposed endangered status.....	20
Proposed threatened status.....	8
Proposed change from endangered to threatened status.....	1
Proposed change from threatened to threatened due to similarity of appearance.....	1
Proposed removal from lists.....	1

As of October 13, 1984, the Service's Washington Office of Endangered Species was also reviewing documents that would propose or make final listing actions on 63 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 OCT. 13, 1984

Type of action	Number of species affected
Final endangered status with critical habitat.....	5
Final endangered status.....	2
Final threatened status.....	2
Final designation of critical habitat.....	1
Proposed endangered with critical habitat.....	22
Proposed threatened with critical habitat.....	8
Proposed endangered status.....	16
Proposed threatened status.....	2
Proposed change from endangered to threatened status.....	2
Proposed removal from lists.....	3

The Service has also identified 190 species for which listing documents are to be developed during the fiscal year beginning October 1, 1984. The numbers of species affected and types of listing actions are given in Table 4. The Service anticipates that listing actions in

addition to these will be identified during the fiscal year.

TABLE 4.—POSSIBLE LISTING ACTIONS FOR WHICH THE SERVICE EXPECTS TO DEVELOP DRAFT LISTING DOCUMENTS DURING THE FISCAL YEAR BEGINNING OCT. 1, 1984.

Type of action	Number of species affected
Final endangered status with critical habitat.....	25
Final endangered status.....	5
Final threatened status with critical habitat.....	9
Final threatened status.....	8
Proposed endangered status with critical habitat.....	9
Proposed threatened status with critical habitat.....	7
Proposed endangered status.....	96
Proposed threatened status.....	7
Final change from threatened to threatened due to similarity of appearance.....	1
Proposed change from endangered to threatened status.....	5
Proposed change from endangered and threatened to threatened due to similarity of appearance.....	1
Proposed revision of critical habitat.....	1
Final removal from lists.....	1
Proposed removal from lists.....	15

The Service also funded status surveys for 173 species during the 12-month period following October 13, 1983. These surveys are designed to gather any additional data needed to make a determination on whether the subject species are eligible for protection under the Act.

**Author**

This notice was prepared by Dr. George Drewry, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975 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: May 3, 1985.

**Susan Reece,**  
*Acting Assistant Secretary for Fish and Wildlife and Parks.*

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