

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Final Rule To Determine Pawnee Montane Skipper (*Hesperia leonardus montana*) To Be Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines a butterfly, the Pawnee montane skipper (*Hesperia leonardus montana*), to be a threatened species under the authority of the Endangered Species Act of 1973, as amended. Critical habitat is not being designated. This butterfly is restricted to the South Platte River drainage in the Front Range of central Colorado. Its habitat has been impacted by housing and other development activities, construction of roads and an existing dam and reservoir. The proposed Two Forks Reservoir project will eliminate some of this species' range and some individuals of the species. This determination that *Hesperia leonardus montana* is threatened implements the protection provided by the Endangered Species Act of 1973, as amended.

EFFECTIVE DATE: The effective date of this rule is October 26, 1987.

ADDRESS: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Regional Office at 134 Union Boulevard, fourth floor, Lakewood, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Dr. James L. Miller, Regional Listing Coordinator, Fish and Wildlife Enhancement, Endangered Species Division, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225 or telephone 303/236-7398 or FTS 776-7398.

SUPPLEMENTARY INFORMATION:**Background**

The Pawnee montane skipper, a member of the Hesperidae butterfly family, was first described in 1911 as *Pamphila (Hesperia) pawnee montana* (Skinner 1911). Scott and Stanford (1982) combined two species (*Hesperia pawnee* and *Hesperia leonardus*), retaining the older specific name *leonardus*, and treated the Pawnee montane skipper as *Hesperia leonardus montana*. This subspecies occurs only on the Pikes Peak Granite Formation in the South Platte River drainage system in Colorado. There are two other related subspecies: *Hesperia leonardus*

occurring in the eastern U.S. and Canada, and *Hesperia leonardus pawnee* occurring in the Northern Great Plains. This latter subspecies is not known from the Pikes Peak formation, and its range does not overlap with *Hesperia leonardus montana*. The presence of ventral hind wing spots and its darker color differentiate *Hesperia leonardus montana* from *Hesperia leonardus pawnee* (Scott and Stanford 1982).

An adult Pawnee montane skipper is a small brownish-yellow butterfly, with a wingspan slightly over 1 inch. Small, fulvous (dull brownish-yellow), usually distinct spots occur near the outer margins of the upper surface of the wings, while 1 to 4 distinct brownish to off-white spots occur on the lower (ventral) surface of the wings. The ventral spots are larger on the hind wings and are generally whiter in the female butterflies.

The Pawnee montane skipper is found only in four Colorado counties (Teller, Park, Jefferson, and Douglas) within the South Platte River drainage system along the Front Range of central Colorado. The known range of this skipper has always been very restricted. The range (not all occupied) is roughly 23 miles long and 5 miles wide (Keenan et al. 1986). The portion of the range that appears to be suitable habitat covers about 38 square miles (Environmental Research and Technology (ERT) Company 1986). Suitable habitat occurs in bands along the North and South Forks of the South Platte River and extends a short distance along the South Platte River below the confluence of the two forks. The present habitat configuration allows for an interchange of individuals throughout the habitat. The area occupied by the skipper is managed and/or owned by the U.S. Forest Service (Pike National Forest), U.S. Bureau of Land Management, Denver Water Department, the County of Jefferson, and numerous private individuals.

The skipper's habitat is in a mountainous area characterized by canyons with steep slopes and narrow river valleys. The topography is very steep near the confluence of the North and South Forks of the South Platte River, but is less steep upriver. The soil layer is very unstable and susceptible to landslides (Keenan et al. 1986).

Skippers occur in dry, open, ponderosa pine (*Pinus ponderosa*) woodlands on outcrops of Pikes Peak granite where soils are thin, unstable, and susceptible to water erosion. Woodland slopes inhabited by skippers are moderately steep with a south, west or east aspect. The understory in the

pine woodlands is very sparse, with generally less than 30 percent ground cover. Blue grama grass (*Bouteloua gracilis*), the larval food plant, and the prairie gayfeather (*Liatris punctata*), the primary nectar plant, are two necessary components of the ground cover strata. Small clumps of blue grama occur throughout the hot, open slopes inhabited by skippers, but this grass species actually covers a very small part of the surface area (less than 5 percent). Prairie gayfeather occurs in small patches throughout the ponderosa pine woodlands. Skippers are very uncommon in pine woodlands with a tall shrub understory (Keenan et al. 1986) or where young conifers dominate the understory (ERT Company 1986). Even though skippers inhabit dry ponderosa woodlands, they have usually been collected within 1 mile of a stream (Scott 1986).

Pawnee montane skippers emerge as adult butterflies as early as late July, with the males emerging before the females by about a week to ten days. Adults spend most of their short existence feeding and mating. Adult females deposit eggs singly directly on leaves of blue grama grass, which is the only known larval food plant (Scott and Stanford 1982, McGuire 1982, Opler 1986). The species overwinters as larvae, and little is known of the larval and pupal stages. Pupation is generally short (13-23 days) in most butterfly species. The species completes its life cycle (egg to larva to pupa to adult butterfly to egg) annually (Keenan et al. 1986). ERT Company (1986) suggested that adults probably fly until a major killing frost occurs. They also indicated that the phenology of prairie gayfeather, the primary nectar plant, and the pawnee montane skipper are highly synchronous. During 1986, the gayfeather plant began blooming in late July, which coincided with the first observation of adult pawnee montane skippers. The prairie gayfeather was still being used as the preferred nectar source when the last pawnee montane skipper observations were made on September 17.

Although the prairie gayfeather is the most important nectar source for the species, other plants have also been noted as nectar sources for the butterfly. Of the other plants, the musk thistle (*Carduus nutans*) is especially important, particularly along river bottom edges and up some ravines. Female skippers have been seen in large numbers on musk thistle along the South Platte River canyon bottom (Opler 1986). The prairie gayfeather seems to grow in areas subject to disturbance such as

logging or fire, but it appears that the butterfly does not colonize such areas for at least several years following the disturbance. Recently burned or logged areas surveyed in 1986 had low numbers of Pawnee montane skippers (Opler 1986).

The community preferred by the skipper is evidently the northern-most extension of the ponderosa pine/grama grass community, which is documented from southern Colorado and northern New Mexico. However, the preferred nectar plant of the skipper, prairie gayfeather, does not occur in similar habitats to the south. The restricted overlap between the northeastern limit of the ponderosa pine/grama grass community and the southwestern limit of the prairie gayfeather might be a primary factor maintaining the species in this limited/specialized area (Getches 1986).

The elevational range of the species is 6,000–7,500 ft. Studies in 1985 showed that the ratio of male to female skippers was much greater at higher elevations than at lower elevations (32 males: 7 females above 7,100 ft. and 34 males: 20 females below 7,100 ft.; Keenan et al. 1986). In 1986 the Denver Water Department contracted for a study that was designed to determine, among other things, the difference in relative abundance of skippers and prairie gayfeather plants above and below the intended water line (6,575 ft.) of the proposed Two Forks Reservoir. ERT Company (1986) found that the abundance of the gayfeather plant was significantly less above than below the intended waterline, and that adult skipper occurrence and abundance showed a strong association with the presence and abundance of prairie gayfeather. Thus, the densest adult skipper populations occurred below the proposed 6,575 ft. reservoir inundation line, and near the lower boundary of the species' elevational range. The distribution of larvae was not ascertained, so this study could not demonstrate that adult skippers, especially the males, do not disperse outside of (and to higher elevations than) the habitat areas where they are produced.

Construction of an existing dam and reservoir, and road, housing, and other development has destroyed, modified and curtailed the skipper's habitat and range. Future developments, housing, road construction, off-road vehicle use, and the proposed Two Forks reservoir project, along with its associated activities, including recreational development, could further destroy, modify, and curtail the skipper's habitat

and range to the extent of endangering the species' survival.

The Pawnee montane skipper was first proposed for Federal listing as endangered on July 3, 1978 (43 FR 28938). The 1978 Amendments to the Endangered Species Act mandated a 2-year limit on finalizing listing proposals. The Service published a notice on March 6, 1979, announcing that certain proposals, including the Pawnee montane skipper proposal, would either be supplemented with regard to their critical habitats or withdrawn. The proposal expired on July 3, 1980, and was then officially withdrawn on September 2, 1980 (45 FR 58171).

Comments were received during the comment period for the 1978 proposal from the U.S. Forest Service, Bureau of Land Management, Bureau of Reclamation, Denver Water Department, The Nature Conservancy, lepidopterists, and private individuals. Comments ranged from being supportive to being opposed to the listing, while some simply provided clarifying information. Some commenters questioned the butterfly's taxonomic status and the accuracy of the distribution information commonly accepted. Scott and Stanford's work (1982) revised and updated the taxonomy, but validated and left unchanged its status as a subspecies eligible for listing, and further searches funded by the Denver Water Department in 1985 and 1986 did not locate the skipper outside the South Platte River drainage. A frequent suggestion in the comments was that the listing was motivated by political rather than biological factors. Those suggesting a political motive claimed that listing advocates only wished to prevent the construction of the Two Forks Dam.

The Service published a review of invertebrate wildlife for listing as endangered or threatened on May 22, 1984 (49 FR 21664), which included the Pawnee montane skipper as a Category 1 species. Category 1 comprises taxa for which the Service has sufficient biological information to support their being proposed to be listed as endangered or threatened. The Butterfly Specialist Group of the International Union for Conservation of Nature and Natural Resources, Species Survival Commission, recommended the Pawnee montane skipper as a high priority for listing in 1985.

A second proposed rule to list the Pawnee montane skipper was published September 25, 1986 (51 FR 34106). Comments received on this second proposal are summarized below.

Summary of Comments and Recommendations

In the September 25, 1986, proposed rule (51 FR 34106) and associated notifications, all interested parties were requested to submit factual reports or information that might contribute to the development of a final rule. Appropriate State agencies, county governments, Federal agencies, scientific organizations, and other interested parties were contacted and requested to comment. Newspaper notices were published on October 13, 20, 27 and November 3, 1986, in the *Rocky Mountain News*, the *Lakewood Sentinel*, and the *Castle Rock Douglas County News Press*. The *Cripple Creek Teller County Times*, and *Fairplay Flume/Park County Republican* published notices October 17, 24, 31, and November 7, 1986, which invited general public comment. No public hearing was requested or held.

During the comment period, 13 comments were received. Of the commenters that stated a position, 7 supported listing and 3 opposed it. Several commenters provided factual information regarding the species; such information has been incorporated, as appropriate, in this final rule. Support for the listing proposal was stated by the Colorado Department of Natural Resources, Environmental Protection Agency, Environmental Defense Fund, International Union for Conservation of Nature and Natural Resources, and three other interested parties. Opposition to listing the species was received from three local agencies: Denver Board of Water Commissioners, Denver Water Department, and Metropolitan Water Providers. Opposing comments concluded, in general, that habitat losses and other perceivable threats are not of sufficient magnitude to warrant listing the skipper as a threatened species, and that present management practices such as restricted public access, off-road vehicle management, and no use of chemical forest pest control measures are adequate safeguards against the foreseeable threats.

Written comments received during the comment period are discussed below. Comments disagreeing with the proposed rule can be summarized under several general issues. Discussion of these issues, and the Service's response to each, follows:

Issue 1: Commenters disagreed with the logic used to arrive at the conclusion that the skipper is a threatened species and maintained that the conclusion was not consistent with the criteria outlined

in section 3 of the Endangered Species Act. They claimed that the Pawnee montane skipper does not warrant listing as a threatened species because projected habitat losses and modifications are not of sufficient magnitude to jeopardize the continued existence of the species. They estimated the skipper habitat that would remain after construction of Two Forks Dam and Reservoir to be approximately 31 square miles, occurring as continuous habitat strips ranging from 0.25 to 1 mile wide that would extend along side slopes of the South Platte River from the vicinity of Oxyoke southward to the inlet of Cheesman Reservoir (approximately 10 miles); along slopes of West Creek (approximately 10 miles); and along the North Fork of the Platte River from Buffalo Creek westward to Cliffdale (approximately 6 miles). They considered all of this remaining habitat to be in excellent condition and largely under the control of the U.S. Forest Service and the Denver Water Department, except in the vicinity of Pine. They indicated that this, taken collectively, should be sufficient habitat to maintain the Pawnee montane skipper indefinitely, even following the construction of the Two Forks Project. They pointed out that the Service had not quantified the likelihood of its endangerment.

Service Response: In using the term "jeopardize the continued existence of the species," this comment confuses a consideration that is made during consultation on listed species (as required by section 7 of the Endangered Species Act) with the criteria used to determine if a species should be listed as threatened or endangered. The definition of a threatened species is "any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Thus the Endangered Species Act does not require that the probability of endangerment be estimated numerically, but only that endangerment be likely and foreseeable. In addition to this basic definition, a determination as to whether a species should be listed is based on any one of the five factors listed in Section 4(a)(1) of the Endangered Species Act, and discussed under the "Summary of Factors" section of this rule. Determinations on the factors are made on the basis of the best scientific and commercial data available to the Service. The Service finds that the best available data support the listing of the Pawnee montane skipper as a threatened species.

Cumulative losses and modification of habitat due to continued housing and other development activities, road construction, off-road vehicle use, and the proposed Two Forks project and associated developments, including recreational activities, are of sufficient magnitude to be considered significant to the species's survival. Higher skipper population density and numbers below the proposed Two Forks Reservoir inundation line in the 1986 Pawnee montane skipper census (ERT Company 1986) suggest that the habitat there is better or more productive than habitat above the proposed inundation line, and the possibility remains that dispersal of adult skippers, especially upward dispersal of males, may make the distribution of adults an overestimate of the real distribution of productive habitat. The water barrier created by Two Forks would separate the remaining habitat into two smaller, discontinuous portions or "islands." This would increase the chance of population islands being lost to stochastic (random) events, limit skipper movements, and decrease gene flow among population units. Possible microclimatic effects of the proposed reservoir on skipper habitat nearby are unknown, but might occur, and be either deleterious or beneficial.

Issue 2: Some commenters claimed the proposed action falls short of fulfilling the intent of Congress in passing the Endangered Species Act. They noted that the Act empowered the Service to take the necessary steps to protect the ecosystems that support a threatened or endangered species, and that courts have interpreted this language to create an affirmative duty on the part of the agency to preserve the listed species, not to merely avoid elimination of the species. They advised the Service to take the following steps to adequately ensure the perpetuation of this species: (1) List the Pawnee montane skipper as an endangered species, not a threatened species; (2) designate critical habitat for this species; and (3) acquire lands supporting habitat critical to survival of this species.

Service Response: The Pawnee montane skipper is not being listed as an endangered species since existing habitat conditions are such that the species is not currently in danger of extinction. Critical habitat is not being designated because the species is subjected to some collecting pressure and publication of exact locations of the species would increase collecting pressures.

The skipper's habitat is mostly administered/owned by the U.S. Forest

Service and the Denver Water Department. The U.S. Bureau of Land Management manages some small holdings within the species' range. Federal agencies are mandated to manage for the conservation (which includes recovery) of listed species. The Denver Water Department will be required to abide by the requirements of the Endangered Species Act if the Two Forks project is approved since the agencies that have authority to issue permits for the project must insure that the project is not likely to jeopardize the continued existence of the species. The Service will prepare a recovery plan for the skipper. Land acquisition and management of such lands for the preservation of the skipper have been identified as potential recovery activities.

Issue 3: Commenters questioned whether recreational development, off-road vehicle use, invasion of exotic plants, pine bark beetle spraying, and collection/vandalism are significant threats to the Pawnee montane skipper as indicated in the proposed rule. They pointed out that Pawnee montane skippers survived earlier logging disturbance, that they still occur in one well-used forest campground, that use of off-road vehicles has been controlled by the Forest Service and areas eroded by use have been closed, that exotic plants have not made serious inroads into the native vegetation of this area, that pest control spraying has not been used, and that there is little reason to expect collection and/or vandalism against this species.

Service Response: These threats were included in the proposal as factors that may affect the skipper and that may be expected to increase. The Service agrees that their significance will be difficult to determine and unlikely to equal the significance of the threat of habitat loss or degradation. These items should be considered as a part of the recovery process by land managing agencies in order to insure optimum conditions for the skipper.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Pawnee montane skipper should be classified as a threatened species. Procedures found at section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR Part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal Lists. A species may be

determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Pawnee montane skipper (*Hesperia leonardus montana*) are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* The Pawnee montane skipper occurs in only one restricted area. Past habitat loss or degradation probably occurred when Cheesman Reservoir was constructed and when residential and commercial communities within the skipper's range were developed. No early distribution or range information exists to determine to what extent this may have occurred. The habitat has also been impacted by road construction and housing and other development activities that are anticipated to continue. Some off-road vehicle use occurs within the butterfly's habitat and results in accelerated soil erosion or destruction of skippers and/or their food plants. The land managing agencies have acted to limit this activity, and, taken alone, its impact is minor.

Additionally, construction of the proposed Two Forks Dam and Reservoir and associated roads and recreational facilities, if completed as planned, will result in elimination of individual skippers and portions of the species' habitat. A contractor's estimate of suitable habitat for the skipper lost through inundation directly (ERT Company 1986) is about 22 percent of an estimated 37.9 square miles of suitable habitat. Population estimates made in the 1986 flight season (ERT Company 1986) placed only about 19 percent of the skippers in the inundation zone early in the season when males predominated, but this increased to about 33 percent later, when females were more numerous and the estimated density and total numbers of adult skippers had doubled over the earlier period.

Losses associated with construction activities (roads, access points, maintenance facilities, etc.) and recreational development associated with Two Forks Reservoir or for other purposes could further degrade or even eliminate the habitat of the Pawnee montane skipper beyond the inundation losses. Recreational use of the area would increase, and increased trampling from foot traffic or off-road vehicles could result in the destruction of skippers or the host and nectar plants at certain stages of their life cycles. Residential development within the skipper's range would also be expected

to increase if the proposed reservoir is constructed.

B. *Overutilization for commercial, recreational, scientific, or educational purposes.* Collection is not as large a problem for skippers as it is for some butterfly groups. Some collection of this species has occurred, but, to date, it has been primarily for scientific studies. With increased public awareness of its rarity, the Pawnee montane skipper could become more sought after by collectors.

C. *Disease or predation.* Various predators and parasitoids are considered to hold insect populations under "natural control," and several are known to feed on various *Hesperia* butterflies; however, no such agents are believed to pose a serious threat to the species' populations or continued existence. Opler (1986) observed that spiders that frequent *Liatris* plants do prey on Pawnee montane skippers.

D. *The inadequacy of existing regulatory mechanisms.* The Pawnee montane skipper is not presently protected by any State or Federal law. Listing under the Endangered Species Act would provide needed protection through recovery and interagency cooperation provisions.

E. *Other natural or manmade factors affecting its continued existence.* Mountain pine beetle (*Dendroctonus ponderosae*) and spruce bud worm (*Choristoneura occidentalis*) infestations occur within the skipper's habitat. The use of insecticides to control these pests or other pests within the area where the Pawnee montane skipper occurs could result in the loss of skipper individuals or populations. However, insecticides are not presently being applied aerially to control mountain pine beetles or spruce bud worms within the skipper's range. At this time no known losses occur due to insecticides.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Hesperia leonardus montana* as a threatened species. This species fits the definition of threatened better than that of endangered since existing habitat conditions are such that the species is not currently in danger of extinction. The species has a restricted range, and portions of its habitat will be eliminated by the proposed Two Forks Dam and Reservoir and associated facilities. Its habitat has already been impacted by road construction, housing and other

development activities. Critical habitat is not being determined for reasons explained in the next section.

Critical Habitat

Section 4(a)(3) of the Act, as amended, requires that to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. The Service finds that designation of critical habitat is not prudent for this species at this time. Collection could become a problem for this species through increased publicity if critical habitat maps were published as part of the listing process. All the involved agencies have been informed of the location of the populations of the Pawnee montane skipper and the importance of protecting this species' habitat. No further notification benefits would accrue from designating critical habitat. Protection of the species' habitat and its proper management will be addressed through the recovery process and through section 7 consultations. Therefore, it would not be prudent to determine critical habitat for the Pawnee montane skipper at this time.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Endangered Species Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR Part 402. Section 7(a)(2) requires Federal agencies to insure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical

habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

The Pawnee montane skipper occurs on lands administered by the U.S. Forest Service (Pike National Forest) and U.S. Bureau of Land Management. The U.S. Army Corps of Engineers, Forest Service, and Bureau of Land Management are the Federal permitting agencies for Two Forks Reservoir. The Service will work with the three Federal agencies and all other involved parties to achieve protection for the skipper. The section 7 Interagency Regulations (50 CFR 402.10) require each Federal agency to confer with the Service on any action that is likely to jeopardize the continued existence of any proposed species. By letter dated May 4, 1987, the Corps of Engineers requested such a conference on the proposed Two Forks Project.

The Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions and exceptions that apply to all threatened wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It also is illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22, 17.23, and 17.32. Such permits are

available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, there are also permits for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to Section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

References Cited

ERT Company. 1986. Pawnee montane skipper field studies. Prepared for the Denver Water Department, Denver, Colorado. November 1986. 40 pp.
 Getches, D.H. 1986. Letter of comment on the proposed rule. Dated December 11, 1986. 2 pp.
 Keenan, L.C., R.E. Stanford, S.L. Ellis, and B. Drummond. 1986. Status report on: Pawnee montane skipper. Prepared for Denver Water Department, Denver, Colorado. February 1986. 49 pp.
 McGuire, W.W. 1982. New oviposition and larval host plant records for North American *Hesperia* (Rhopalocera:Hesperiidae). Bulletin of the Allyn Museum, Number 72. 6 pp.
 Opler, P.A. 1986. Letter to Fish and Wildlife Service, dated November 6, 1986. U.S. Fish and Wildlife Service, Office of Information Transfer, Fort Collins, Colorado. 2 pp.

Scott, J.A. 1986. Letter to Office of Endangered Species. March 5, 1986. 3 pp.
 Scott, J.A. and R.E. Stanford. 1982. Geographic variation and ecology of *Hesperia leonardus* (Hesperiidae). Journal of Research on the Lepidoptera 20(1):18-35.
 Skinner, H. 1911. New species or subspecies of North American butterflies. Entomological News 22:412-413.

Author

The primary author of this final rule is Dr. James L. Miller of the Service's Denver Regional Office staff (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, Part 17, Subchapter B of Chapter I, Title 50 of the Code of Federal Regulations, is amended as set forth below:

1. The authority citation for Part 17 continues to read as follows:

Authority: 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.*); Pub. L. 99-625, 100 Stat. 3500 (1986), unless otherwise noted.

2. Amend §17.11(h) by adding the following, in alphabetical order under Insects, to the List of Endangered and Threatened Wildlife:

§ 17.11 Endangered and threatened wildlife.

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Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
INSECTS							
Skipper, Pawnee montane	<i>Hesperia leonardus montana</i>	U.S.A. (CO)	NA	T	289	NA	NA

Dated: September 21, 1987.
Susan Recce,
 Acting Assistant Secretary for Fish and Wildlife and Parks.
 [FR Doc. 87-22157 Filed 9-24-87; 8:45 am]
 BILLING CODE 4310-55-M