

ADDRESSES: Information, comments, or questions should be submitted to the Assistant Director—Fish and Wildlife Enhancement (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. Marvin E. Moriarty, 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 to be published promptly in the Federal Register.

Recently, the Service received and made 90-day findings on the following petitions:

The Service was petitioned by the New Mexico Department of Game and Fish to list eleven species of New Mexico molluscs. This petition was dated November 20, 1985, and was received by the Service on November 22, 1985. The petition contained information

indicating that each of the 10 aquatic snail and one clam taxa is severely limited in distribution and faces extinction threats recognized by the State on a spectrum from very highly vulnerable to moderately vulnerable. Five of the taxa are already under notice of review by the Service (49 FR 21664-21675, May 22, 1984); they are: the Socorro spring snail (*Fontelicella neomexicana*), the Chupadera spring snail (*Fontelicella* sp.), the Roswell spring snail (*Fontelicella* sp.), the Alamosa spring snail (*Tryonia* sp.), and the Pecos assiminea snail (*Assiminea* sp.). The other six species included in this petition for listing as threatened or endangered are: the Gila spring snail (*Fontelicella* sp.), the New Mexico hot spring snail (*Fontelicella* sp.), the Pecos spring snail (*Fontelicella* sp.), the Koster's spring snail (*Tryonia* sp.), the New Mexico ramshorn snail (*Pecosorbis kansasensis*), and the Sangre de Cristo pea-clam (*Pisidium* sp.). After reviewing this petition the Service finds that the petition does present substantial information indicating that the requested action may be warranted. This notice initiates a status review for the six species mentioned above that were not included in the Service's May 22, 1984, Notice of Review.

Staff at the Service's Caribbean Islands National Wildlife Refuge has submitted a petition to add the Puerto Rican population of the white-cheeked pintail, *Anas bahamensis*, to the List of Endangered and Threatened Wildlife. The petition contains documentation that the species has undergone a serious decline islandwide since the 1950's, from a former condition of being one of the most abundant waterfowl there. Habitat losses and illegal taking are suggested as causes for the decline. Available evidence indicates that the status of this duck is generally comparable to the three other waterfowl species now under petition from the Puerto Rican Department of Natural Resources for Federal listing. After reviewing this petition the Service finds that the petition does present substantial information that the requested action may be warranted. This notice initiates a status review for the white-cheeked pintail.

Recently, the Service made one-year findings for the following four petitions

In a petition dated December 27, 1984 and received January 3, 1985, the Service was requested by the Department of Natural Resources of the Commonwealth of Puerto Rico to list as threatened the following four species: Puerto Rican crested toad (*Peltophryne* [= *Bufo*] *Jemur*), Caribbean coot (*Fulica*

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 Reviews

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and status review.

SUMMARY: The Service announces 90-day findings in respect to two petitions and 12-month findings in respect to four petitions to amend the Lists of Endangered and Threatened Wildlife and Plants. Status reviews are initiated for the white-cheeked pintail from Puerto Rico, and five snails and one fingernail clam from New Mexico that are subjects of two petitions.

DATES: The findings announced in this notice were made between January 8, 1986, and March 21, 1986. Comments and information may be submitted until further notice.

caribea), ruddy duck (*Oxyura jamaicensis*), and West Indian whistling duck (*Dendrocygna arborea*). An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on July 5, 1985 (50 FR 13054).

The Puerto Rican crested toad is endemic to the Puerto Rican Shelf and is the only member of its family native to that area. It has been found at six localities in Puerto Rico and one on Virgin Gorda, British Virgin Islands. Generally these localities were at low elevations (below 600 feet) in areas of exposed limestone and porous, well-drained soil offering an abundance of fissures and cavities. The species has always been considered rare, and before its rediscovery in 1966 was believed by some to be extinct. One sizeable breeding aggregation was found in 1984, in Guanica Commonwealth Forest. Additional information on size and distribution of populations has been very difficult to obtain. The available data suggest that most populations are near human development, but very hard to assess prior to development impacts, and that breeding is irregular and concentrated; these factors make them susceptible to eradication. The species has been listed as endangered by the Commonwealth of Puerto Rico; but studies of its distribution and biology are continuing, and the degree of threat remains uncertain. However, the best scientific information available indicates that the Puerto Rican crested toad should be listed as threatened.

Prior to 1963, the Caribbean coot was reported to be abundant in Puerto Rico. By 1973, however, it had declined seriously enough to be included on a list of rare and endangered animals of the island. The Commonwealth closed hunting on this and the similar American coot (*Fulica americana*) in Puerto Rico in 1984. Major threats now appear to be illegal hunting and the destruction and modification of habitat. The Caribbean coot appears to prefer freshwater lakes, but may also be found in coastal lagoons. In southwest Puerto Rico, where the species used to be most abundant, agricultural development and drainage of Cartegena Lagoon between 1970 and 1980 have contributed significantly to its decline. The Department of Natural Resources estimates that about 200 birds remain in the Puerto Rican population, and lists it as threatened in its endangered species regulations of 1985.

The West Indian whistling duck has become increasingly rare in Puerto Rico during the last 80 years, after being reported as common throughout the

island in the late 19th century. It is now considered the rarest waterfowl species on the island, with a population estimated between 150 and 250 individuals. Hunting was closed on it in Puerto Rico in 1976; it was included under Commonwealth Wildlife Law No. 70, adopted in 1978; and the Commonwealth's endangered species regulations of 1985 list it as threatened. However, its preference for densely vegetated wetlands and its crepuscular habits make accurate population appraisals very difficult. Major threats appear to be habitat loss or modification, and illegal hunting and egg taking.

The West Indian ruddy duck has undergone a dramatic reduction in Puerto Rico after being reported as very common there prior to 1970. It was mentioned as "on the verge of being endangered" in the 1973 compilation of rare and endangered species of the island, and hunting was closed on it in 1975. The Commonwealth's endangered species regulations of 1985 list this species as threatened. Major threats are loss and modification of habitat and illegal hunting. The species prefers freshwater ponds, lakes, and reservoirs, but was present on only 5 out of 20 such sites in a Department of Natural Resources census in 1979. By 1979, Cartegena Lagoon, once considered to be the main breeding site for the species, but since largely drained and eutrophied, supported no West Indian ruddy ducks. In 1982 and 1983 censuses the Puerto Rican population of this species was estimated at fewer than 500 birds.

In the case of each of the three waterfowl species, two important questions are not yet fully answered. First is the question of whether each one is a limited, definable population in Puerto Rico or whether significant mixing with stocks of other islands is occurring, and second, if such mixing were occurring, whether the entire species or subspecies is threatened throughout a significant portion of its range. The Service will seek answers to these questions. Based on a review of all available data the Service finds that the action requested by this petition is warranted with respect to all four species. Immediate proposed rules to implement the requested actions are precluded by pending proposals to add other species to the Lists of Endangered and Threatened Wildlife and Plants. Expeditious progress in listing precludes an immediate proposed rule.

In a petition dated February 8, 1985, and received February 12, 1985, the Service was requested by Mr. Patrick

Hartigan, of Travis Audubon Society to list the following six cave invertebrate species: *Microcreagris texana*, *Leptoneta reddelli*, *Texella reddelli*, *Rhadine persephone*, *Texamaurops reddelli*, and *Cylindropsis* sp. (Tooth Cave blind rove beetle). An administrative finding that the action requested may be warranted was announced in a **Federal Register** notice published on July 18, 1985 (50 FR 29238).

The Service has completed a status review of the information available on the biology, and distribution of, and threats to, these six species. The caves in which these species occur are located on the outskirts of the city of Austin, Texas, and are in an area planned for residential and commercial development. Such development could have major adverse impacts on the caves, through direct modification such as collapse, filling, or sealing; and through indirect modification such as changes in drainage and moisture, pollution with pesticides and other chemicals, destructive use by humans and pets, and introduction of non-native organisms such as sowbugs and household arachnid and insect pests. Based on a review of available data the Service finds the actions requested by this petition to be warranted in respect to all six species. Immediate proposed rules to implement the requested actions are precluded by other pending proposals to revise the Lists of Endangered and Threatened Wildlife and Plants.

In a petition dated February 28, 1985, and received March 19, 1985, the Service was requested by Ms. Laura B. Aherns of Lionel, Sawyer and Collins, Attorneys for the City of Sparks and the City of Reno, to delist the population of Lahontan cutthroat trout in the main stem Truckee River and Pyramid Lake. An administrative finding that the action requested may be warranted and a review of status were announced in a **Federal Register** notice published on August 30, 1985 (50 FR 35272).

The Service has completed a status review of all the information available regarding the biology, distribution, and habitat of, and threats to, this species. This review revealed that objectives of the Service's recovery plan to establish a number of self-sustaining populations have not been met. Threats identified in the recovery plan, including poor water quality, inadequate water during spawning periods, and the presence of introduced predators and competitors, have not yet been dealt with adequately. The sport fishery in Pyramid Lake, although extensive, is supported almost exclusively by hatchery production from

the U.S. Fish and Wildlife Service and Pyramid Lake Indian Tribe hatcheries. Although enhancement of the fishery through hatchery production is not being questioned, this enhancement has so far done little for recovery. The action requested by this petition is considered not warranted at this time on the basis of the best scientific information available.

In a petition from Ms. Joel L. Beardsley, Mariposa, RR 2 Box 441, Summerland Key, Florida 33042, dated April 11, 1985, and received by the Service on April 27, 1985, the Service was requested to determine endangered status for the Florida Keys marsh rabbit (*Sylvilagus palustris hefneri*). On June 14, 1985, the Service made a 90-day finding that the petition did present substantial information indicating that the requested action may be warranted. In the *Federal Register* of August 30, 1985 (50 FR 35272-35273), the Service published a notice announcing this finding and also a review of the status of the marsh rabbit.

This mammal, which was named and described in 1984, is known to occur only in a few locations in the lower (or western) Florida Keys. The petition contains documentation suggesting that the marsh rabbit's restricted habitat is jeopardized by development, and that it has become very scarce in recent years. Based on this review the Service finds that a determination of endangered status for the Florida Keys marsh rabbit is warranted, but precluded by other listing activity. Additional data will be gathered, and expeditious progress is being made to list other species that are considered to be of higher priority.

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 January 9, 1986 (51 FR 996).

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 species involved in the petitions listed above.

Author

This notice was prepared by Dr. James D. Williams, 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 (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: August 8, 1986.

P. Daniel Smith,

*Deputy Assistant Secretary for Fish and
Wildlife and Parks.*

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