

50 CFR Part 17**Endangered and Threatened Wildlife and Plants; Notice of Finding on a Petition to Emergency List the Amargosa Toad (*Bufo nelsoni*) as Endangered**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the Amargosa toad (*Bufo nelsoni*) under the Endangered Species Act of 1973, as amended (Act). The petition was found to present substantial information indicating the requested action may be warranted. The Service therefore initiates a status review and will prepare a 12 month finding at a later date.

DATES: The finding announced in this document was made on March 17, 1995. Comments and information concerning this petition finding must be submitted within 30 days of the publication of the finding in the **Federal Register** to be considered in the 12-month finding for this petition.

ADDRESSES: Data, information, comments, or questions concerning this finding should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 4600 Kietzke Lane, Building C Room 125, Reno, Nevada 89502. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Sheryl Barrett, Fish and Wildlife Biologist, see **ADDRESSES** section above or telephone 702-784-5227.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating 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**. This finding is to be based on information contained in the petition and otherwise available to the Service at the time the finding is made. If the finding is that substantial

information was presented, the Service also is required to review the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

On September 21, 1994, the Service received a petition dated September 19, 1994, from Mr. D.C. "Jasper" Carlton, Director of the Biodiversity Legal Foundation, to emergency list the Amargosa toad (*Bufo nelsoni*) as endangered under the Endangered Species Act of 1973, as amended (Act).

The petitioner states that the Amargosa toad qualifies for emergency listing as endangered under the Act due to present and threatened destruction, modification, or curtailment of habitat or range; overuse of habitat for commercial, recreational, scientific, or educational purposes; other natural or man-made factors affecting its continued existence; severely restricted range; and inadequacy of existing regulatory mechanisms. The Amargosa toad is endemic to the Oasis Valley, Nye County, Nevada, in an approximately 9-mile stretch of the Amargosa River and nearby springs from Springdale to the Narrows south of Beatty. The petition noted that Hoff (1994) asserts that off-road vehicles, water diversions, grazing, and non-native predators have caused this species to decline from the thousands reported in 1958 to only 30 adult and juvenile toads observed in 1994 in Oasis Valley.

The Service included the Amargosa toad as a category 2 species in the August 2, 1977, Animal Notice of Review (42 FR 39121). It was subsequently categorized as a category 1 species in the December 30, 1982, Notice of Review (47 FR 58454) and again as a category 2 species in the September 18, 1985, Notice of Review (50 FR 37960). On November 14, 1994, the Service changed its classification back to category 1, with a listing priority of 2 (59 FR 58982). Assignment of the Amargosa toad to category 1 means that this is a taxa for which the Service has on file sufficient information on biological vulnerability and threats to support a proposal to list the taxa as an endangered or threatened species.

The Service finds that substantial information has been presented indicating that listing of the Amargosa toad may be warranted. However, emergency listing is not warranted at this time because an immediate threat of extinction does not exist. Several actions (e.g., fencing and removing introduced crayfish from Lower Indian springs, and removing catfish from Harlan/Keel Spring, etc.) aimed at conserving this species are ongoing.

This decision is based on scientific and commercial information contained in the petition, provided as attachments to the petition, and otherwise available to the Service. The Service requests any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the Amargosa toad. Of particular interest is information on the Amargosa toad regarding—(1) The existence and status of additional populations, (2) environmental factors determining its distribution, (3) life history information, and (4) existing conservation efforts.

References Cited

A complete list of all references cited herein is available upon request from the Reno Field Office (see **ADDRESSES** section).

Authors

The primary authors of this document are Dr. Patricia G. Zenone and Sheryl L. Barrett of the Reno Field Office (see **ADDRESSES** above).

Authority

The authority for this action is the Endangered Species Act of 1973 as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 17, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Rule to Reclassify the Bald Eagle From Endangered to Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) is reopening the comment period on the bald eagle reclassification proposal for thirty days. On July 12, 1994, the Service proposed reclassifying the bald eagles of the lower 48 States as threatened, except those already listed as threatened and those of the Southwestern Recovery Region and Mexico. The bald eagles of the Southwestern Recovery Region were proposed to remain listed as