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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Wood Turtle (*Clemmys insculpta*) as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the wood turtle (*Clemmys insculpta*) as a threatened species throughout its historic range in the coterminous United States under the Endangered Species Act of 1973, as amended. The Service finds that the petition does not present substantial scientific or commercial information indicating that listing this species may be warranted.

DATES: The finding announced in this document was made on May 16, 1995.

ADDRESSES: Submit data, information, comments or questions concerning this petition to the Field Supervisor, New England Field Office, U.S. Fish and Wildlife Service, 22 Bridge Street, Concord, New Hampshire 03301. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the address listed above.

FOR FURTHER INFORMATION CONTACT: Michael Amaral at the above address (603-225-1411); Paul Nickerson at U.S. Fish and Wildlife Service, Regional Office, 300 Westgate Center Drive, Hadley, Massachusetts 01035 (telephone 413-253-8615); or Robert Adair, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota, 55111 (telephone 612-725-3500).

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 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. This finding is to be based on all information available to the

Service at the time. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**.

The Service has made a 90-day finding on a petition to list the wood turtle (*Clemmys insculpta*) as threatened and to determine critical habitat. The petition, dated December 27, 1994, was submitted to the Service by Restore The North Woods of Concord, Massachusetts, the Biodiversity Legal Foundation, and six individual co-petitioners and was received by the Service on December 29, 1994. In a letter dated January 10, 1995, Restore provided two additional documents to the petition record. This information was received by the Service on January 12, 1995. The petitioners contend that the species has undergone a precipitous decline throughout its range, that there are a number of threats to the species which will cause further declines, and, therefore, that urgent protective measures are necessary.

The Service has carefully reviewed the petition, the literature cited in the petition, recent information submitted by State wildlife agencies and other knowledgeable individuals, and all other information currently available in the Service's files. On the basis of the best scientific and commercial information available, the Service finds the petition does not present substantial information that listing this species may be warranted. This finding is based on the inadequacy of existing data to support the contention that the wood turtle has undergone rangewide decline or that the threats identified in the petition are affecting wood turtle populations across all or a significant portion of its range to the extent that the species is likely to become an endangered species in the foreseeable future.

The following is a summary of the information available on the species' current status. The wood turtle occurs in all of the States within its recent historic range (colonial settlement to present); appears to be well distributed within a number of those States, i.e., Connecticut, Pennsylvania, Maine, Vermont, Maryland, Massachusetts and New York; and is considered as threatened or endangered by State wildlife agencies in only 5 of the 17 States in which it occurs.

The petitioners stated that habitat loss and fragmentation, nest and hatchling predation, and collection for commercial markets, as well as other factors, have resulted in the wood turtle being "biologically threatened in its

native habitat in the United States" (Restore *et. al.* 1994). However, information submitted by the petitioners and information otherwise available to the Service indicate that the status of the wood turtle is not sufficiently known for a significant portion of its range to determine the species' current, versus historic, distribution. Similarly, inadequate data was provided to determine whether the threats identified for specific study populations cited in the petition are likely to be causing rangewide declines in wood turtle populations.

Wood turtles continue to be widespread in a number of States, with viable populations reported from rural areas. In other States, numerous wood turtle occurrence records are reported but population and distribution data are insufficient to substantiate the need for State listing as threatened or endangered. Thus, the wood turtle is not State-listed as threatened or endangered throughout the majority of its range in the United States (Northeast Nongame Technical Committee 1994).

The petitioners presented information on the international trade in turtles of the genus *Clemmys*, as well as the domestic trade in wood turtles. This species was added to Appendix II of the Convention on International Trade in Endangered Species of Wild Flora and Fauna (CITES) on June 11, 1992. While addition to Appendix II does not prohibit all international trade in wood turtles, it does provide a means for strict regulation of trade in order to avoid use incompatible with the species' survival in the wild. The Service shares the concern of the petitioners that natural populations cannot sustain indefinitely the removal of adult, breeding-age turtles for the domestic commercial pet market. However, the Service finds that the petition fails to present substantial information indicating that the current commercial trade in wood turtles is so extensive that it threatens the species' existence across its range. The Service notes that with one exception, New Hampshire, all States within the range occupied by the wood turtle now have laws either prohibiting or severely restricting the collection of wood turtles from the wild for commercial trade. The State of New Hampshire is currently drafting rules that will limit the collection of wood turtles to educational and scientific purposes (James DiStefano, New Hampshire Department of Fish and Game, *in litt.*, 1995).

The petition provides information that some wood turtle populations are subject to high levels of predation on eggs, hatchlings and adult turtles. Raccoon, skunk, opossum, and fox are

believed to be the primary predators of wood turtles and their nests. Predator populations are lower than they have been in recent years within the range of the wood turtle in the East (Krebs et al 1994). While predator populations may rebound at some point, wood turtles are currently under less predation pressure in several of the northeastern States.

Irrespective of the finding on this petition, the Service concurs with the petitioners that many aspects of the life history and breeding ecology of this species, as well as its popularity with collectors, could make it vulnerable to over-exploitation and population declines.

References Cited

- Krebs, J.W., T.W. Strine, J.S. Smith, C.E. Rupprecht, and J.E. Childs. 1994. Rabies surveillance in the United States during 1993. *Journal of the American Veterinary Medical Association*. vol. 205(12):1695-1709.
- Northeast Nongame Technical Committee. 1994. Legal categories of rare species in the northeastern states. Unpubl. rep., 25 pp.
- Restore: the North Woods, S. Garber, J. Burger, C. Ernst, J. Harding, S. Tuttle, J. Davis, and the Biodiversity Legal Foundation. 1994. Petition for a rule to list the North American wood turtle (*Clemmys insculpta*) as threatened under the Endangered Species Act 16 U.S.C. Sec. 1531 *et seq.* (1993) as amended. Unpubl. doc., Concord, MA. 42 pp. and appendices.

Author. The primary author of this document is Michael Amaral of the Service's New England Field Office (see ADDRESSES).

Authority

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

Dated: May 16, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

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