

list of sensitive plants. The Forest Service has authority to develop and implement management practices to insure sensitive species do not become threatened or endangered because of Forest Service actions. The Forest Service also has authority to require that new project proposals in or near *Lathyrus grimesii* populations on Forest Service lands contain mitigation measures to insure population stability. Since the petition was received by the Fish and Wildlife Service, Humboldt National Forest has initiated various conservation activities involving *Lathyrus grimesii*, including population monitoring and seed collection. They have also expressed willingness to develop and implement a conservation agreement and strategy for *Lathyrus grimesii* (Jim Nelson, *in litt.* 1994). The species currently receives no protection by the State of Nevada, therefore, no regulatory mechanisms are in place to protect its populations or habitats on private lands. Major threats to populations located on private lands have not been identified.

Prior to the discovery of new populations of *Lathyrus grimesii*, the limited distribution of the species in the Dorsey Creek drainage and its occurrence on steep, unstable slopes indicated the species was vulnerable to stochastic extinction through natural or human-induced catastrophic events such as landslides and erosion. Recent discoveries of the species in multiple drainages indicates that stochastic extinction is unlikely.

The presence of exotic weeds within populations of *Lathyrus grimesii* may pose a threat to individual populations, but currently do not pose a threat to the continued existence of the species. The noxious *Euphorbia esula* (weed leafy spurge) was discovered in one *Lathyrus grimesii* population in the Deep Creek drainage, and *Bromus tectorum* (cheatgrass) was present in at least half of the populations surveyed in 1994. Presence of noxious weeds in these areas may be attributable to poor range condition.

After review of all scientific and commercial information available on *Lathyrus grimesii*, the Service has determined that listing *Lathyrus grimesii* is not warranted at this time. This decision is based on information contained in the petition and otherwise available to the Service at the time the 12-month finding was made. The Service recognizes that additional information on biology, threats to populations and habitats, and future conservation actions is necessary to keep track of the species' status. *Lathyrus grimesii* is, thus, retained in

category 2 candidate status until sufficient information becomes available to base a decision on whether to retain or delete the species from the list of candidates. If additional data become available in the future, the Service may reassess the need for listing.

**Author.** The primary author of this document is Janet Bair (see ADDRESSES section above).

#### Authority

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

Dated: May 2, 1995.

#### Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95-14357 Filed 6-9-95; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Oahu Elepaio From the Island of Oahu, Hawaii, With Critical Habitat

**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 add the Oahu elepaio (*Chasiempis sandwichensis gayi*) to the List of Endangered and Threatened Wildlife under the Endangered Species Act of 1973 as amended. The Service finds that the petition presents substantial information indicating that listing this species may be warranted. A status review is initiated and a 12-month finding will be prepared. In addition, the Service is requesting comments on the petition to designate critical habitat for the species.

**DATES:** The finding announced in this document was made on May 23, 1995. Information and comments concerning this petition finding must be submitted by August 11, 1995 to be considered in the status review of this species.

**ADDRESSES:** Send comments and materials concerning this petition to Robert P. Smith, Ecoregion Manager, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. The petition finding, supporting data, comments, and materials received will be available for public inspection, by appointment,

during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:**  
Robert P. Smith (see ADDRESSES section) (808-541-2749).

#### 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 indicating that the petitioned action may be warranted. This finding is to be based on the best scientific and commercial information available to the Service at the time the finding is made. 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 Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiates a status review on that species, which results in a finding that the petitioned action is unwarranted, warranted, or warranted but precluded due to pending proposals to list other species. In addition, upon receiving a petition to designate critical habitat the Service is to promptly conduct a review in accordance with the Administrative Procedure Act and applicable Department of Interior regulations.

The Service has made a 90-day finding on a petition to list Oahu elepaio (*Chasiempis sandwichensis gayi*). On March 22, 1994, the Service received a petition dated March 21, 1994, from Mr. Vaughn Sherwood of Honolulu, Hawaii, to list the Oahu elepaio (*Chasiempis sandwichensis gayi*) as an endangered or threatened species with critical habitat. The Oahu elepaio is an endemic subspecies in the family *Muscicapidae* (Old world flycatchers) found only on the island of Oahu, Hawaii (Berger 1981, Pratt *et al.* 1987). Threats to the species include habitat degradation and exotic diseases, predators, and competitors.

The Service has reviewed the petition, literature cited in the petition, other available literature and information, and consulted with biologists familiar with the Oahu elepaio. On the basis of the best scientific and commercial information available, the Service finds the petition presents substantial information that listing this taxon may be warranted. This finding is based upon the following information:

1. Present and threatened destruction, modification, and curtailment of habitat is caused by highway construction projects, the activities of introduced alien pigs, and the spread of introduced alien weeds (Ellis *et al.* 1993, Sherwood 1993).

2. Diseases such as avian malaria and avian pox are thought to have contributed to the decline of this taxon (Ellis *et al.* 1993). Mosquitoes carrying alien diseases are now found throughout the entire range of the Oahu 'elepaio.

3. Inadequacy of existing regulatory mechanisms to prevent continued loss of habitat associated with highway construction projects. This taxon currently receives no protection from federal or state activities which adversely affect its habitat.

4. Other factors, including the relatively low number of individuals (ca. 200–500 birds) places this subspecies at risk of extinction due to inbreeding, stochastic events, and catastrophes (Ellis *et al.* 1993).

More detailed information may be obtained from the Service's Pacific Islands Ecoregion. The Service is requesting comments on the petition to designate critical habitat for this species. Interested persons or parties are invited to submit data, information, and comments on the Oahu 'elepaio (see **ADDRESSES** section above).

## References Cited

Berger, A.J. 1981. Hawaiian Birdlife. Second Edition. University of Hawaii Press, Honolulu. 260 pp.

Ellis, S., C. Kuehler, R. Lacy, K. Hughes, and U.S. Seal. 1993. Hawaiian Forest Birds Conservation Assessment and Management Plan. Captive Breeding Specialist Group.

Pratt, H.D., P.L. Bruner, and D.G. Berrett. 1987. The birds of Hawaii and the Tropical Pacific. Princeton University Press, Princeton. 409 pp.

Sherwood, V. 1993. The Oahu 'elepaio (*Chasiempis sandwichensis gayi*): population histories and habitat: island of Oahu, Hawaii. Honors Thesis, University of Hawaii, Manoa. 110 pp.

**Author.** The author of this document is Dr. Loyal A. Mehrhoff, Ecological Services, Pacific Islands Ecoregion, (see **ADDRESSES** section).

## Authority

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

Dated: May 23, 1995.

**Bruce Blanchard,**

Deputy Director, Fish and Wildlife Service.

[FR Doc. 95-14249 Filed 6-9-95; 8:45 am]

BILLING CODE 4310-55-P

## 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Grass Lake/Green Cove Creek Population of the Olympic Mudminnow as Endangered and To Designate Critical Habitat

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Grass Lake/Green Cove Creek population of the Olympic mudminnow (*Novumbra hubbsi*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial scientific or commercial information indicating that listing this population may be warranted. The Service concludes that the Olympic mudminnows occupying the Grass Lake/Green Cove Creek drainage do not constitute a distinct population segment.

**DATES:** The finding announced in this document was made on May 23, 1995.

**ADDRESSES:** Data, information comments, or questions concerning this petition should be submitted to the State Supervisor, U.S. Fish and Wildlife Service, Ecological Services Office, 3704 Griffin Lane SE., Suite 102, Olympia, Washington 98501–2192. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** David C. Frederick, Field Office Supervisor, see **ADDRESSES** section above or telephone 206–753–9440.

#### 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 the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service also is required to

commence a review of the status of the species involved if one has not already been initiated under the Service's internal candidate assessment process.

The Service has made a finding on a petition to list the Grass Lake/Green Cove Creek population of the Olympic mudminnow (*Novumbra hubbsi*). The petition, dated September 15, 1994, was submitted by Theodore A. Mahr, attorney representing the "Save Allison Springs" Citizens Committee, and several members of the "Save Allison Springs" Citizens Committee. The "Save Allison Springs" Citizens Committee is located in Olympia, Washington. The petition requests the Service to list the Grass Lake/Green Cove Creek population of the Olympic mudminnow as an endangered species and to simultaneously designate critical habitat for the population. The petitioner stated that the Olympic mudminnow in the Grass Lake/Green Cove Creek Basin may be an evolutionarily significant unit due to the apparent geographic isolation of this population; that this population may be imperiled by present and proposed housing developments in the Green Cove Creek Basin; and that existing regulatory mechanisms may not be adequate to protect this population.

The Service has reviewed the petition, the literature cited in the petition, and other information 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 population may be warranted.

The Olympic mudminnow, a small, brightly colored fish in the Umbridae family, represents a monotypic genus, being the only species in the genus *Novumbra*. There are four genera in the family Umbridae, three found in North America, the fourth in Europe. Distribution of the Olympic mudminnow is limited to southwestern Washington and the Olympic Peninsula. Meldrim (1968) suggests that geological history has determined the general distribution of the species, while behavior and habitat preference have maintained the present limited distribution. Dispersal is limited yet the species is often abundant where found (Wydoski and Whitney 1979). This freshwater species is generally found in quiet, slow moving waters such as in swamps, bogs, ponds, ditches, shallow lagoons and most frequently in marshy habitats. The preferred habitat type is a marshy stream with a muddy bottom, dense vegetation, and stained or dark water (Harris 1974).

A species that is in danger of extinction throughout all or a significant