

listing of 118 species and finalized the listing of 182 species. The Service believes this demonstrates expeditious progress on other listings.

## References Cited

A complete list of references used in the preparation of this finding is available, upon request, from the Idaho State Office (see **ADDRESSES** section).

**Author.** The primary authors of this document are Patricia Klahr and Steve Duke (see **ADDRESSES** section); Bob Hallock, Northern Idaho Office, 11103 East Montgomery Drive, Suite 2, Spokane, WA; Lori Nordstrom, Helena Field Office, P.O. Box 10023, Helena, MT; Shelley Spalding, Washington State Office, 3704 Griffin Lane SE, Suite 102, Olympia, WA.

## Authority

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

Dated: June 6, 1995.

**Mollie H. Beattie,**

Director, Fish and Wildlife Service.

[FR Doc. 95-14284 Filed 6-9-95; 8:45 am]

BILLING CODE 4310-55-M

## 50 CFR Part 17

### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Plant *Lathyrus grimesii* (Grimes vetchling) as Endangered in Nevada

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

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list *Lathyrus grimesii* (Grimes vetchling) as an endangered species under the emergency provisions of the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information concerning the status of the species, the Service finds that listing *Lathyrus grimesii* is not warranted.

**DATES:** The finding announced in this document was made on May 2, 1995.

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

**FOR FURTHER INFORMATION CONTACT:** Janet Bair, staff biologist, at the above address, or telephone 702-784-5227.

## SUPPLEMENTARY INFORMATION:

### Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), 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. Such 12-month findings are to be published in the **Federal Register**.

On May 19, 1993, the Service received a petition dated May 10, 1993, to emergency list the plant *Lathyrus grimesii* (Grimes vetchling) as an endangered species. The Service's finding that substantial information existed indicating the petitioned action may be warranted, was published in the **Federal Register** on July 11, 1994 (59 FR 35304). A status review was initiated at that time.

*Lathyrus grimesii*, a member of the pea family (Fabaceae), is a perennial herb known only from the Independence Mountains and vicinity in Elko County, Nevada. At the time the petition was submitted to the Service, the total distribution of *Lathyrus grimesii* was believed to be restricted to three or four small populations located within an area smaller than 2 square kilometers (approximately 1 square mile) in the Dorsey Creek drainage of the Independence Mountains. All but one of these populations were located in the immediate vicinity of an area proposed for gold mine exploration.

Based on these data, the petition and supporting information suggested all known populations of *Lathyrus grimesii* were likely to be affected by gold exploration or mine development. However, the Forest Service, in conjunction with other agencies and concerned entities, modified the project so as to avoid all direct and most indirect impacts to the *Lathyrus grimesii* populations. In December 1993 the Service was notified that minerals exploration in this area was not successful and no further exploration was planned.

Data collected by Humboldt National Forest, Independence Mining Company, Inc., and Nevada Natural Heritage Program during the summers of 1993 and 1994 indicates that *Lathyrus*

*grimesii* is more abundant than previously believed. Aerial and ground field surveys resulted in identification of 67 total populations of *Lathyrus grimesii*, located in nine separate drainages in the Independence Mountains. These populations collectively cover approximately 150 to 200 hectares (400 to 500 acres), distributed over an area of about 130 square kilometers (50 square miles) (James Morefield, Nevada Natural Heritage Program, *in litt.* 1994). In addition, a separate population occurs on Wilson Peak in the neighboring Bull Run Mountains. Approximately 30 percent of the known populations occur on private lands, while approximately 70 percent occur on lands under Forest Service management. A very small proportion of the known populations (approximately 1 percent) occur on lands managed by the Bureau of Land Management in the Bull Run Mountains.

The existence of disseminated gold has resulted in mine claims throughout the Independence Mountains as well as exploration projects and mine development in several areas. The recently discovered populations of *Lathyrus grimesii* occur on lands with high mineral potential (Dean Morgan, Humboldt NF, Mountain City Ranger District, *in litt.* 1994). However, while mine claims have been established in this area, exploration has not occurred. The few roads into the area are located primarily on private inholdings. Any extensive exploration of this area will require building new roads or agreements with the private landowners for access. Humboldt National Forest has not received any new proposals for mine exploration, development, or associated activities in areas populated by *Lathyrus grimesii*.

Livestock grazing is presently a dominant land use in the vicinity of the recently discovered populations. Grazing effects were noted as moderate to severe at some sites in 1994, and cattle were observed grazing on the dried stems of *Lathyrus grimesii* within one population (James Morefield, *in litt.* 1994). Grazing of green stems during flowering and fruiting has not been observed. Humboldt National Forest has notified ranchers of the presence of *Lathyrus grimesii* and advised them to minimize livestock movements through the populations (Jim Nelson, Humboldt NF, *in litt.*, 1994).

The petition indicated that *Lathyrus grimesii* qualified for listing, in part, because of the inadequacy of existing regulatory mechanisms. In April 1994, *Lathyrus grimesii* was added to the Forest Service's Intermountain Region's

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]

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## 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: