

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

RIN: 1018-AC19

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Threatened Status for the Alaska Breeding Population of the Steller's Eider

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Extension of proposed rule; reopening of comment period.

SUMMARY: The U.S. Fish and Wildlife Service (Service) provides notice that the comment period on the proposal to classify the Alaska breeding population of the Steller's eider (*Polysticta stelleri*) as threatened is extended until January 14, 1996, due to significant scientific controversy over the species' status. In addition, the public comment period is hereby reopened.

DATES: The comment period, which originally closed on November 14, 1994, is reopened effective immediately and closes on January 14, 1996.

ADDRESSES: Written comments and materials should be sent to Fairbanks Ecological Services field Office, Endangered Species, U.S. Fish and Wildlife Service, 1412 Airport Way, Fairbanks, Alaska, 99701, telephone (907) 456-0427 or facsimile (907) 456-0346. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ted Swen at the above address (telephone 907/456-0427).

SUPPLEMENTARY INFORMATION:**Background**

The smallest of four eider species, the Steller's eider breeds in coastal areas of arctic Alaska and Russia. Worldwide, Steller's eiders still number over one hundred thousand, with the vast majority of individuals nesting in Asia and wintering in Alaskan waters. A small portion of the world's Steller's eiders nest in Alaska and this nesting population is being proposed for listing as a distinct vertebrate population under the endangered Species Act. In recent years the breeding range of the species in Alaska has contracted. The species, which nests locally at several coastal locations in the central Yukon-Kuskokwim Delta, has now virtually disappeared from this region. In Alaska, the species currently nests only in the

northwest portion of the North Slope. Recent surveys suggest the species no longer nests in certain areas in which it originally occurred on the North Slope. Factors causing the decline of the species and the contraction of its breeding range in Alaska are not known. Due to the reduction in numbers and contraction of the species' breeding range in Alaska, the Service believes that the remaining population of Steller's eiders is increasingly vulnerable to extirpation.

On July 14, 1994, the Service published a proposed rule (59 FR 35896; July 1, 1994) to list the Alaska breeding population of Steller's eiders as threatened under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). Comments received during the initial public comment period indicate scientific controversy exists over the Service's technical interpretation of available data. In order to insure that decisions on endangered and threatened species are based upon the best scientific and commercial data available, the Service now requires that listing proposals be reviewed by three appropriate independent specialists (59 FR 34270). To comply with this recent policy and to adequately address the scientific controversy, the Service is reopening the comment period on the proposal to list the Alaska breeding population of Steller's eiders and now solicits the expert opinions of three independent specialists. All interested parties are invited to comment on this proposal during the comment period. Written comments may now be submitted until January 14, 1996, to the Service office in the ADDRESSES section.

Authors

The primary author of this notice is Ted Swen (see ADDRESSES section).

Authority

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

Dated: June 20, 1995.

John G. Rogers,

Director, Fish and Wildlife Service.

[FR Doc. 95-16075 Filed 6-29-95; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17**Endangered and Threatened Species; Notice of Reclassification of 32 Candidate Species**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of candidate species reclassification.

SUMMARY: In this document, the U.S. Fish and Wildlife Service (Service) provides explanation for changes in the candidate status of 32 species of plants and animals that are under review for possible addition to the List of Endangered and Threatened Wildlife and Plants (List) under the Endangered Species Act (Act) of 1973, as amended. The changes for which explanation is provided in this document were previously published for 20 plants in the 1993 Plant Notice of Review and for 12 animals in the 1994 Animal Notice of Review.

FOR FURTHER INFORMATION CONTACT: E. LaVerne Smith, Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/358-2171).

SUPPLEMENTARY INFORMATION:**Background**

In December 1992, the Service reached a settlement agreement (agreement) with the plaintiffs in the Fund For Animals *et al. v. Lujan et al.* case (Civ. No. 92-800) that provides for the Service to review the listing status of species regarded as Category 1 candidates as of September 1, 1992. The Service has historically classified species regarded as candidates for listing under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*) into two primary categories. Category 1 candidates are those species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support proposals to list them as endangered or threatened species. Category 2 candidates are taxa for which information now in the possession of the Service indicates that proposing to list as endangered or threatened is possibly appropriate, but for which substantial data on biological vulnerability and threat are not currently available to support a proposed listing. Species classified as Category 2* are those whose continued existence is in doubt. Species classified as Category 3 were once considered for listing as threatened or endangered but are no longer under such consideration. For any candidate species covered by the agreement and removed from Category 1 because listing is not warranted, the Service must publish a notice in the **Federal Register** that provides explanation for the removal from Category 1.

This notice provides explanations for previously announced decisions to

remove candidate species from Category 1. The changes announced in this notice reflect changes first published in the 1993 Plant Notice of Review (58 FR 51444) or the 1994 Animal Notice of Review (59 FR 58982). This notice also provides explanation for returning three candidate species covered by the settlement agreement to Category 1 status.

Findings

Two species of animals that were removed from the Category 1 candidate list in the 1994 Animal Notice of Review are now returned to Category 1 status. The northern Idaho ground squirrel (*Spermophilus brunneus*) was incorrectly placed in Category 2 status in the 1994 Animal Notice of Review. Wild specimens of the greenest tiger beetle (*Cicindella tranquebarica viridissima*) were recently discovered near the Santa Ana River, California. Based on this rediscovery and present knowledge of threats, the species is now returned to Category 1 status.

One plant species that was removed from the Category 1 candidate list in the 1993 Plant Notice of Review is being returned to Category 1 status. Although previously thought to be extinct, *Eragrostis fosbergii* (Fosberg's love grass) has been rediscovered and is now classified as a Category 1 candidate.

The remaining 29 reclassifications involve removal from Category 1 status. Eleven species of plants were reclassified because they were included in the 1990 Plant Notice of Review (55 FR 6184) as Category 1*, meaning their continued existence is in doubt. This classification was administratively changed to Category 2* in the 1993 Plant Notice of Review because the absence of reliable reports of extant wild populations would preclude issuing a proposed listing for these taxa. These species retain a high priority for addition to the List, if reliable reports of the species' existence are received. The plants so reclassified are: *Abronia umbellata* ssp. *acutalata* (rose purple sand-verbena), last observed in 1940; *Botrychium subbifoliatum* (makou), last observed in 1940; *Cenchrus agrimonioides* var. *laysanensis* (Laysan agrimony sandbur), last observed in 1973; *Chamaesyce celastroides* var. *tomentella* ('akoko), last observed in the 1920's; *Cyanea longissima* (haha), last observed in 1927; *Eragrostis hosakai*, last observed in 1937; *Lepidium bidentatum* var. *remyi* (Remy's 'anaunau), last observed in 1855; *Lipochaeta degeneri* (small-leaved nehe), last observed in 1928; *Mariscus rockii*, last observed in the early 1900's; *Melicope degeneri* (alani), last observed

in the early 1900's; and *Phyllostegia imminuta*, last observed in 1980.

Abutilon virginianum (Indian mallow) was originally collected in Culebra, Puerto Rico, but according to a recent status survey, has not been seen there since 1913. The species was removed from Category 1 status because its continued existence in the wild is in doubt.

Nelson's antelope ground squirrel (*Ammospermophilus nelsoni*) was historically found in the southern San Joaquin Valley of California. Presently the populations are more restricted and are located in the San Joaquin area. The species was removed from Category 1 status because its range is more widespread on slopes and hillsides than originally thought. Also, the destruction, modification, or curtailment of the species' habitat or range will be controlled by implementation of the San Joaquin Endangered Species Recovery Program, which will include setting aside foothill habitat for species such as the San Joaquin kit fox (*Vulpes macrotis mutica*) and giant kangaroo rat (*Dipodomys ingens*). This will provide *de facto* protection for Nelson's antelope ground squirrel.

Aster avitus (Alexander's rock aster) was classified as a Category 1 species based on a 1980 status survey that found only five populations. Since then, 43 additional populations have been found. The discovery of additional populations, coupled with limited information on threats to the species, support removal from Category 1.

Chrysothamnus molestus (Tusayan rabbitbrush) occurs in pinyon-juniper woodland and associated grasslands and shrublands in the southwest. The species was removed from Category 1 primarily because the species was found in many new localities in surveys conducted in 1990 and 1991. Also, the Arizona Plant Recovery Team concluded in a 1991 session that Category 1 designation was premature. The Team is composed of representatives from the Service, U.S. Forest Service, Arizona State University, Arizona Game and Fish Department, Arizona Nature Conservancy, National Park Service, Southwest field biologists, and the Desert Botanical Garden. The species is now known to be extant at 21 locations within Coconino County, Arizona, and numerous questions exist about its life history. Specifically, the role of disturbance in establishment of seedlings and the significance of asexual reproduction in prohibiting expansion of the species' number and range are not understood. With so many questions remaining, particularly about

reproductive success, and trends in abundance unknown, maintaining this species in Category 1 is not justified.

Conostegia hotteana is a small to medium sized tree known only from the island of Hispaniola and the eastern mountains of Puerto Rico. There is no current information on distribution or abundance of this plant and review of the file information indicates that classification as Category 1 was premature. Additional information on biological distribution and abundance, habitat needs, and threats to the species is needed before a proposal to list would be justified.

Descurainia torulosa (Wyoming tansymustard) is known only from the high volcanic mountains in northwest Wyoming and Pine Butte in southwest Wyoming. The species was removed from Category 1 status primarily because of taxonomic questions and the apparently large amount of suitable habitat that has not been searched for the species. *Descurainia torulosa* may in fact be a minor variant of the common *D. incana*. Successful searches for additional populations were conducted in the 1980's by various investigators, suggesting that additional searches in suitable habitat will yield more populations.

The short-nosed kangaroo rat (*Dipodomys nitratoides brevinasus*) is native to the lower foothills of the San Joaquin Valley, California. The species was deleted from Category 1 because threats to its existence, primarily destruction of habitat, will be alleviated by implementation of the San Joaquin Endangered Species Recovery Program. This program will include setting aside foothill habitat for species such as the San Joaquin kit fox and giant kangaroo rat and will provide *de facto* protection for the short-nosed kangaroo rat. Furthermore, review of the files regarding this species revealed no information on species abundance and distribution that would justify inclusion in Category 1.

The Summer Basin tui chub (*Gila bicolor* ssp.) is a subspecies of tui chub that had been restricted to the Summer Basin for the past 10,000 years. Most of the subspecies was eradicated by a toxaphene project conducted in the late 1950's, and only one population of pure Summer Basin tui chub was then known to survive. The subspecies was removed from Category 1 because additional populations were discovered and presumed threats from hybridization are less than originally believed. The subspecies is believed to be fairly secure.

Based on recommendations provided by the Arizona Plant Recovery Team in

1991, the Service removed *Macroptilium supinum* (= *Phaseolus supinus*) (supine bean) from Category 1. The present biological status of the species is unclear since new populations were discovered in Mexico in 1990. Additional information on abundance and distribution are needed to justify a proposal for listing.

Malpighia infestissima (stingingbush) is endemic to Buck Island and St. Croix, U.S. Virgin Islands. It was removed from Category 1 because its distribution and abundance are poorly known. On St. Croix, it is reported to be widespread and scattered. Other than general threats from residential, tourism, and industrial development, no direct threats to this species are known. The general lack of information on biological distribution and abundance, coupled with limited knowledge of threats, justifies removal from Category 1.

Peperomia megalopoda is a small herb endemic to Puerto Rico. The species was originally collected in 1929 and has not been observed since. Efforts to relocate the species at the type locality in 1991 were unsuccessful. It was removed from Category 1 because its continued existence is in doubt.

Psychilis kranzlinii (= *Encyclia kranzlinii*) is an orchid endemic to Puerto Rico. It is rare but found in a variety of habitats. The extent of its distribution and abundance is poorly known and currently available information on its status does not support a listing proposal.

The Tarahumara leopard frog (*Rana tarahumarae*) is known from 53 localities in southern Arizona as well as Sonora, Chihuahua, and Sinaloa, Mexico. Although extirpated from the five historic localities in Arizona, populations elsewhere appear to be thriving and healthy based on surveys conducted in the mid-1980's. Several members of the Tarahumara Frog Oversight Group concurred with the removal of this species from Category 1.

The Suisan ornate shrew (*Sorex ornatus sinuosus*) and the salt marsh wandering shrew (*Sorex vagrans halicoetes*) were historically found along streams, in grasslands and marshy areas of San Francisco Bay, California. Currently these species are more restricted to marshy areas of the Bay. Habitat for these shrews is strongly overlapped with that of two other listed species, the salt marsh harvest mouse (*Reithrodontomys raviventris*) and the California clapper rail (*Railus longirostris obsoletus*). Threats to the shrews will be alleviated by implementation of recovery plans for the salt marsh harvest mouse and the California clapper rail. The alleviation

of threats to habitat supports removal of these subspecies from Category 1.

Review of file information on *Tillandsia baileyi* (Bailey's ballmoss) indicates that the placement of this species in Category 1 in 1990 was in error. Data to support inclusion in Category 1 are not on file. Although population estimates are not available, the species is estimated to occur in over 50,000 acres in south Texas, where its continued existence is believed secure.

The Service removed Doyen's Trigonoscute dune weevil (*Trigonoscute* sp.) from Category 1 primarily due to concerns about the taxonomy of this species. The taxonomy of the genus is unresolved and Doyen's dune weevil has not been formally described. The specific taxonomy is based solely on a single-page letter written by E.L. Sleeper. The last revisions to this genus described many species and subspecies based on conclusions that the Service questions.

The New Mexican jumping mouse (*Zapus hudsonius luteus*) occurs locally in the San Juan, Jemez, and Sacramento mountains and in the central-northern and central Rio Grande Valley. This species is already listed as a group 2 endangered species by the State of New Mexico, which means that permits are required for collecting the species. Populations were originally impacted by destruction of wetlands. However, the species has been recently found to occupy man-made habitats adjacent to irrigation drains and canals, thus alleviating the threat of habitat destruction. Dr. Joan Morrison, University of Florida, has raised concerns that the classification to Category 1 was premature. Subsequent review of the record supports her position and the species is now removed from Category 1.

Author

The primary author of this notice is Dr. Richard E. Sayers, Jr., Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mailstop ARLSQ-452, Washington, D.C. 20240 (phone 703/358-2105; facsimile 703/358-1735).

Authority: The authority for this notice is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: June 27, 1995.

John G. Rogers

Acting Director, Fish and Wildlife Service.
[FR Doc. 95-16264 Filed 6-28-95; 1:20 pm]
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 630

[I.D. 061695B]

Atlantic Swordfish Fisheries; Hearing Date Change

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Date change for public hearing.

SUMMARY: NMFS previously announced public hearings (60 FR 32484, June 22, 1995) to receive comments from fishery participants and other members of the public regarding proposed changes to the regulations and the Atlantic swordfish fishery. NMFS announces a change of meeting date for a previously announced swordfish public hearing.

DATES: The public hearing originally announced for June 30, 1995, in Manteo, N.C., has been changed to July 5, 1995.

ADDRESSES: Written comments should be sent to Richard B. Stone, Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Swordfish Comments." The public hearing will be held at the following location:

Manteo, NC

Wednesday, July 5, 1995, 6-9 p.m.

North Carolina State Aquarium
Airport Road
Manteo, NC 27954

FOR FURTHER INFORMATION CONTACT: Ronald G. Rinaldo, 301-713-2347 or fax, 301-713-0596.

SUPPLEMENTARY INFORMATION: This hearing is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Richard B. Stone (see ADDRESSES) by June 30, 1995.

Dated: June 26, 1995.

Richard W. Surdi,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.
[FR Doc. 95-16132 Filed 6-27-95; 4:19 pm]
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