Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*		*	*	*	*	*	
FISHES							
*		*	*	*	*	*	
Salmon, Atlantic.	Salmo salar	U.S.A., Canada, Greenland, western Europe.	U.S.A., ME Gulf of Maine Atlantic Salmon Distinct Population Segment, which includes all naturally reproducing wild populations of Atlantic salmon having historical, river-specific characteristics found north of and including tributaries of the lower Kennebec River to, but not including, the mouth of the St. Croix River at the U.S.-Canada border. To date, the Services have determined that these populations are found in the Dennys, East Machias, Machias, Pleasant, Narraguagus, Sheepscot, and Ducktrap Rivers and in Cove Brook, Maine.	E	.....	NA	NA
*		*	*	*	*	*	

And accordingly, the National Marine Fisheries Service proposes to amend part 224, subchapter C of Chapter II, title 50 of the Code of Federal Regulations, as set forth below.

PART 224–ENDANGERED MARINE AND ANADROMOUS SPECIES

4. The authority citation for part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

5. In § 224.101, paragraph (a) is revised to read as follows:

§ 224.101 Enumeration of endangered marine and anadromous species.

* * * * *

(a) *Marine and Anadromous Fish.* Shortnose sturgeon (*Acipenser brevirostrum*); Totoaba (*Cynoscian macdonaldi*), Snake River sockeye salmon (*Oncorhynchus nerka*), Umpqua River cutthroat trout (*Oncorhynchus clarki clarki*); Southern California steelhead (*Oncorhynchus mykiss*), including all naturally spawned populations of steelhead (and their progeny) in streams from the Santa Maria River, San Luis Obispo County, California (inclusive) to Malibu Creek, Los Angeles County, California (inclusive); Upper Columbia River steelhead (*Oncorhynchus mykiss*), including the Wells Hatchery stock and all naturally spawned populations of steelhead (and their progeny) in streams in the Columbia River Basin upstream from the Yakima River, Washington, to the United States-Canada Border; Upper Columbia River spring-run chinook salmon (*Oncorhynchus tshawytscha*), including all naturally spawned populations of chinook salmon in Columbia River tributaries upstream of the Rock Island Dam and downstream of Chief Joseph Dam in Washington (excluding the Okanogan River), the Columbia River from a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) upstream to Chief Joseph Dam in Washington, and the Chiwawa River (spring run), Methow River (spring run), Twisp River (spring run), Chewuch River (spring run), White River (spring run), and Nason Creek (spring run) hatchery stocks (and their progeny); Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*); Gulf of Maine Atlantic Salmon (*Salmo salar*) Distinct Population Segment, which includes all naturally reproducing wild populations of Atlantic salmon having historical, river-specific characteristics found north of and including tributaries of the lower Kennebec River to, but not including, the mouth of the St. Croix River at the U.S.-Canada border (To date, the Services have determined that these populations are found in the Dennys, East Machias, Machias, Pleasant, Narraguagus, Sheepscot, and Ducktrap Rivers and in Cove Brook, Maine).

* * * * *

Dated: November 10, 1999.

Andrew A. Rosenberg,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

Dated: November 9, 1999.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 99–30014 Filed 11–16–99; 8:45 am]

BILLING CODE 3510–22–P 4310–55–P

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 Santa Monica Mountains Hairstreak as Endangered With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding for a petition to emergency list the Santa Monica Mountains hairstreak (*Satyrium auretorum fumosum*) under the Endangered Species Act of 1973, as amended (Act). This butterfly only occurs in southern California. We find that the petition did not present substantial scientific or commercial information indicating that listing this subspecies may be warranted.

DATES: The finding announced in this notice was made on November 5, 1999.

ADDRESSES: Data, information, comments, or questions concerning this petition should be sent to the Field Supervisor, Ventura Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2493 Portola Road, Suite B, Ventura, California 93003. 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: Carl Benz, Assistant Field Supervisor, Listing and Recovery, at the address above (telephone 805/644–1766; facsimile 805/644–3958).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Act, requires that we 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 based upon all information submitted with and referenced in the petition, and all other information available to us at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. If the finding is positive, section 4(b)(3)(B) of the Act requires us to promptly commence a review of the status of the species, and to disclose our findings within 12 months.

The processing of this petition finding conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of critical habitat determinations (prudency and determinability decisions) and proposed or final designations of critical habitat will be funded separately from other section 4 listing actions and will no longer be subject to prioritization under Listing Priority Guidance. The processing of this petition finding is a Priority 4 action and is being completed in accordance with the current Listing Priority Guidance.

On January 8, 1999, we received a petition from the Urban Wildlands Group, the Lepidoptera Research Foundation, the California Oak Foundation, the Southwest Center for Biodiversity, Roger Kim, Lisa Bracamonte, Rudi Mattoni, Travis Longcore, Catherine Rich, John Emmel, and John Pasko (Urban Wildlands *et al.* 1999) requesting that we emergency list the Santa Monica Mountains hairstreak (*Satyrium auretorum fumosum*) as an endangered species under the Act, and that critical habitat be designated concurrent with listing. This petition dated January 2, 1999, specified endangered status primarily because of the butterfly's limited distribution and threats from urbanization and habitat fragmentation.

Emergency listing is not a petionable action under the Act. However, our above-mentioned listing priority guidance requires that we screen petitions to list species for the need to emergency list them. Based on the information provided by the petitioners, we find that threats to the continued existence of the Santa Monica Mountains hairstreak are present but not immediate, and they do not individually or collectively pose a significant risk to the well being of the subspecies. Therefore, we feel that emergency listing the Santa Monica Mountains hairstreak is not justified at this time.

The Santa Monica Mountains hairstreak butterfly is a small brown butterfly with a wing span of 2.5–3.2 centimeters (cm) (1–1.25 inches (in)). The subspecies is a member of the Lycaenidae family. The taxon was first mentioned when Emmel and Emmel (1973) noted a population of the nut-brown hairstreak (*Satyrium auretorum spadix*) with darker undersides in the western Santa Monica Mountains. Emmel and Mattoni (1990) later named this taxon the Santa Monica Mountains hairstreak (*Satyrium auretorum fumosum*), which they distinguished from the gold-hunter's hairstreak (*Satyrium auretorum auretorum*) and the nut-brown hairstreak, primarily by the darker brown color on the underside of the forewing and hindwing of both males and females, and described the adult's morphology, distinguishing features, distribution, phenology, and phylogenetic relationships.

Based upon limited rearing of a few larvae, young shoots of coast live oak (*Quercus agrifolia*) may be the sole host of the Santa Monica Mountain hairstreak (Pasko and Mattoni 1992). Adults spend most of their time perching on coast live oak and fly only when disturbed (Urban Wildlands *et al.* 1999). According to the petitioners, observation of the butterfly is difficult because the life cycle is completed in the oak canopy about 9–12 meters (m) (30-40 feet (ft)) above ground. Adults fly as a single brood from late April to June and have rarely been observed nectaring. When observed, the nectar source has always been California buckwheat (*Eriogonum fasciculatum*) (Urban Wildlands *et al.* 1999). Based on the information provided by the petitioners and other information available to us, it is unclear whether California buckwheat is critical to the life history of the Santa Monica Mountains hairstreak, or if other plants can provide adequate nectar sources. At the present time, the complete life history of the Santa Monica Mountains hairstreak is unknown. It is difficult to identify the precise habitat requirements of the subspecies without certainty of the species and quality of foodplant(s) required, potential micro-habitat requirements of adults, pupae, larvae and eggs, and other environmental factors necessary for all life stages of the butterfly.

The historic distribution of the Santa Monica Mountains hairstreak is not precisely known. The petitioners note that amateur butterfly collectors have extensively collected in the area and there is no indication that the Santa Monica Mountains hairstreak occurs beyond the western end of the Santa Monica Mountains in California. However, it is unlikely that collectors would have aggressively sought the Santa Monica Mountains hairstreak before 1973, when Emmel and Emmel first made reference to this subspecies or perhaps even before 1990, when the taxon was officially described in the scientific literature. The lack of historical collections cannot be used as empirical evidence of the narrowness of the taxon's historical or present distribution. The Santa Monica

Mountains hairstreak is, thus far, known only from five locations in the northern slopes and plateau of the western end of the Santa Monica Mountains in Ventura and Los Angeles Counties (Urban Wildlands *et al.* 1999; Pasko and Mattoni 1992).

There are no comprehensive surveys undertaken for the taxon. According to the petitioners, at one Los Angeles County location, Santa Monica Mountains hairstreak adults were observed in 1990, 1993 and 1994 in association with mature coast live oaks (Pasko and Mattoni 1992; Urban Wildlands *et al.* 1999). At another Los Angeles County location, on property owned by the National Park Service, larvae were found on seven of the coast live oaks examined (Pasko and Mattoni 1992; Urban Wildlands *et al.* 1999). Six adult male butterflies were sighted near this second location on May 17, 1997, and four adult males and two adult females were counted there on May 23, 1997, (Urban Wildlands *et al.* 1999). The petitioners assert that the population at a third location in Ventura County was not located and may be extirpated; however, it is unclear when the hairstreak was last observed at this location. Because of the imprecision of the data supplied by the petitioners, the exact locality of a single adult collected at the fourth location is unknown. Much of the area surrounding this location is within the boundaries of the Santa Monica Mountains National Recreation Area, administered by the National Park Service, but a variety of private in-holdings also occur within the recreation area. The petitioners assert that a fifth location also exists based upon the finding of one adult male butterfly collected on a site co-owned and managed by the Conejo Recreation and Parks District and Conejo Open Space Conservation Agency (COSCA). These data are the only information supplied by the petitioners with regard to the size and location of populations of the Santa Monica Mountains hairstreak.

The petitioners maintain that although amateur butterfly collectors frequent the Santa Monica Mountains, there are no records of the Santa Monica Mountains hairstreak in areas other than in the localities identified previously. However, there is an absence of documentation on the dates, number and frequency of collections, and names of collectors, and there are insufficient data to substantiate the claim that the Santa Monica Mountains hairstreak is limited to the locations outlined in the petition. Coast live oak and common buckwheat, the two species of plants on which the butterfly may depend, are common throughout the Santa Monica Mountains (Tim Thomas, Service, pers. comm. 1999). Therefore, it is unclear, why the Santa Monica Mountains hairstreak would occur in such small numbers in a few localized areas when the two plant species most closely associated with the butterfly are widespread. Since the butterfly occurs high above the ground in the canopy of oaks, the subspecies is probably difficult to locate. Comprehensive surveys are needed to determine if the present range and habitat requirements of the taxon is as restricted as asserted in the petition.

The petitioners outlined factors threatening the subspecies, including urbanization; fragmentation and other natural and manmade factors; overutilization for commercial, recreational, scientific or educational purposes; and inadequacy of existing conservation mechanisms. Three of the five known localities of this butterfly occur on private land and are the most susceptible to habitat destruction and degradation. According to the petition, one of the Los Angeles County locations of the subspecies has been designated for a future high-priced housing development, and ''most or all'' of the 25 aforementioned coast live oaks will be removed. This development has been approved and approximately 12 to 22 of the oak trees will be removed (Scott Wolfe, City of Westlake Village, pers. comm. 1999). It is unclear if one or more of the four coast live oaks that the subspecies was found on will be removed, and what the impacts of coast live oak removal will be.

At another location in Ventura County, development took place in the form of numerous, privately owned homes. Any remaining habitat for the Santa Monica Mountains hairstreak in this area is susceptible to development and could also be degraded in the future (R. Sauvoget, National Park Service, pers. comm. 1999). If a population of the Santa Monica Mountains hairstreak does occur in the Santa Monica Mountains Recreation Area where a single adult was collected, this population could also be susceptible to development since there are a number of private in-holdings within the Recreation Area (R. Sauvoget, pers. comm. 1999).

The petitioners also identify habitat fragmentation by roads and highways, along with habitat degradation from littering, dumping and unlawful hunting as threats to the Santa Monica Mountains hairstreak at one location. Recreational and commercial activities, such as mountain biking, in-line skating, and jogging, were also cited by the petitioners, but there is no explanation on how these activities would negatively affect the subspecies. Since most of this subspecies' life cycle appears to be spent within the canopy of coast live oak, it is unclear how these threats in the area surrounding the coast live oaks might affect the butterfly at any locality. It is conceivable that habitat fragmentation and degradation could decrease the proximity, quantity or quality of nectar sources, such as California buckwheat. However, at the present time, the role or importance of nectar sources in the life history of the Santa Monica Mountains hairstreak is unknown. Fragmentation of habitat could also lead to genetic isolation of populations of the taxon and increased susceptibility to catastrophic events, including fire. However, without adequate data on the habitat requirements and population structure of the Santa Monica Mountains hairstreak, the extent of potential threats of habitat fragmentation, modification or destruction cannot be adequately determined.

Butterflies are potentially subject to intense collection pressures. There is an international commercial trade in many butterfly species listed and proposed for listing under the Act, as well as other imperiled or rare butterflies (U.S. Department of Justice 1993, 1995; Williams 1996; Claireborne 1997; Hoekwater 1997; Chris Nagano, Service, pers. comm. 1999). At the present time, two known localities of the Santa Monica Mountains hairstreak are protected from collection. As property of the National Park Service, one location has regulations in place that make it illegal to collect animal or plant specimens. Because this location is consistently patrolled by rangers, these regulations are well-enforced (R. Sauvoget, pers. comm. 1999). Regulations at the site co-owned and managed by COSCA, prohibit the collection of animals and plants within the park, and this prohibition is well-enforced by park rangers (Mark Towne, COSCA, pers. comm. 1999). The three other currently known sites of the Santa Monica Mountains hairstreak have no protective measures to preclude collecting of the taxon.

Regulatory mechanisms currently in place are generally inadequate to protect the Santa Monica Mountains hairstreak. Federal agencies and private landholders are not legally required to consider and manage for this or other subspecies during project design and implementation. The Santa Monica Mountains hairstreak is not listed under the California Endangered Species Act. The California Environmental Quality Act and local regulations do not provide

specific protection measures to ensure the continued existence of the Santa Monica Mountains hairstreak (Urban Wildlands *et al.* 1999). Some city and county jurisdictions are attempting to provide for the protection of coast live oaks in areas where the Santa Monica Mountains hairstreak occurs through adoption of land ordinances. These ordinances require landowners to plant saplings as replacements for removed oak trees (Urban Wildlands *et al.* 1999). However, it is unknown whether the Santa Monica Mountains hairstreak would benefit from the planting of young oak trees, or if the subspecies is associated solely with older oak trees. Information on the life history or habitat requirements of the Santa Monica Mountains hairstreak is insufficient to determine the full effect of oak tree protection on the subspecies.

We have reviewed the petition, and carefully assessed the scientific and commercial information available from this petition and our own files regarding the past, present, and future threats faced by the Santa Monica Mountains hairstreak. Several factors may impact the Santa Monica Mountains hairstreak at the five known sites, but this butterfly was only recently discovered, and little is known of its life history requirements and potential distribution. Critical information needed includes documentation of historical collection records throughout the range of the taxon; surveys of the western Santa Monica Mountains devoted to searching for the butterfly; documentation and detailed descriptions of studies of hostplant specificity of the butterfly; and analysis of nectar sources available to and used by the subspecies. The evidence the petitioners present indicates that the subspecies may be rare, but available information is insufficient to adequately determine if other populations exist beyond the currently described five locations. Without additional information on the life history, range, or population size of the taxon, we cannot evaluate the seriousness of the potential threats to the Santa Monica Mountains hairstreak that are identified in the petition. Because of the lack of adequate data on biological vulnerability and threats, we find that the petition does not present substantial information that listing the Santa Monica Mountains hairstreak may be warranted.

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U. S. Department of Justice. 1995. Prison for illegal smuggling of endangered and protected species. (press release). Milwaukee, Wisconsin.

U. S. Department of Justice. 1993. United States of America v. Richard J. Skalski, Thomas W. Kral, and Marc L. Grinnell. Violation: Conspiracy to violate the wildlife laws of the United States, including the Endangered Species Act [16 U.S.C. 1538(a)(1)(E), (F) and (G), and 1540(b)(1)] and the Lacey Act [16 U.S.C. 3372(a)(1), 3373(a)(2)(A), sections 3373(d)(1)(B), and 3373(d)(2)] all in violation of Title 18 U.S.C. § 371, a felony (indictment). San Jose, California.

Urban Wildlands Group, Lepidoptera Research Foundation, California Oaks Foundation, Southwest Center for Biodiversity, R. Kim, L. Bracamante, R. Mattoni, T. Longcore, C. Rich, J. Emmel, and J. Prasko. January 2, 1999. Petition to list the Santa Monica Mountains hairstreak (*Satyrium auretorum fumosum*) as endangered under the Endangered Species Act.

Williams, T. 1996. The great butterfly bust. Audubon 98(2): 30–37.

Author

The primary author of this finding is Colleen Sculley, U.S. Fish and Wildlife Service, Ventura Fish and Wildlife Office (see **ADDRESSES** section).

Authority

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

Dated: November 5, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99–29993 Filed 11–16–99; 8:45 am]

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