

[4310-55]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE AND PLANTS

Proposed Endangered Status for the Bonytail Chub and Threatened Status for the Razorback Sucker

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Service proposes to determine the bonytail chub (*Gila elegans*) to be Endangered and the razorback sucker (*Xyrauchen texanus*) to be Threatened. This action is being taken because of the alteration and destruction of their habitat which has greatly reduced populations of both species and the present threatened modification of their habitat which would further threaten their continued existence. This proposal would seek to protect the remaining populations of these species and their habitat. These species are known from the Colorado River drainage in California, Nevada, Arizona, New Mexico, Colorado, and Utah.

DATES: Comments from the public must be received by June 26, 1978. Comments from the Governors of States involved with this action must be received by July 24, 1978.

ADDRESSES: Submit comments to Director (OES), U.S. Fish and Wildlife Service, Department of the Interior, Washington, D.C. 20240. Comments and materials received will be available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 1100, 1612 K Street NW., Washington, D.C.

FOR FURTHER INFORMATION CONTACT:

Mr. Keith M. Schreiner, Associate Director—Federal Assistance, Fish and Wildlife Service, U.S. Department of the Interior, Washington, D.C. 20240, 202-343-4646.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 4(a) of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) states:

General.—(1) The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (1) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (2) Overutilization for commercial, sporting, scientific, or educational purposes;
- (3) Disease or predation;
- (4) The inadequacy of existing regulatory mechanisms; or
- (5) Other natural or manmade factors affecting its continued existence.

This authority has been delegated to the Director.

SUMMARY OF FACTORS AFFECTING THE SPECIES

These findings are summarized herein under each of the five criteria of Section 4(a) of the Act. These factors, and their application to (a) bonytail chub and (b) razorback sucker, are as follows:

1. *The present or threatened destruction, modification, or curtailment of its habitat or range.* (a) Historically, the bonytail chub (*Gila elegans*) was found throughout the large turbid mainstream rivers of the Colorado River basin. This habitat alternated between swift water canyons characterized by torrential rapids and slow, meandering, sand-bottomed stretches. Within the large turbid mainstream rivers, the chub's habitat preference appears to be eddies adjacent to fairly swift current.

The Colorado River has been greatly altered by impoundments and diversions, both mainstream and tributary, eliminating much of the bonytail's original habitat. The lower Colorado River basin is presently a series of reservoirs and cold tailwaters. Large adult bonytails have been found in Lakes Mead and Mohave and spawning has been observed, but no young have been found. Therefore, present populations in these reservoirs probably will disappear as the fish senesce and die. Cold tailwaters do not offer the warm (approximately 65° F) temperature needed for the bonytails to spawn, thus utilization of this artificial habitat appears non-existent. Portions of the lower Colorado basin, primarily the Gila River system, have been dewatered by irrigation projects. Hence, bonytail habitat was lost and populations extirpated by loss of in-stream flows. Decline in chub populations due to inter-specific competition with introduced species of fish is another probable factor in the decline of the bonytail. Exotic species now outnumber native species in the Colorado basin.

Bonytail chub are nearly extinct in the lower basin and have declined dramatically in the upper basin over the last 10-20 years. Reasons for decline in the upper basin are less obvious than for the lower basin where habitat al-

terations have been more numerous. Microhabitat alteration by tributary dams, and competition with exotic species appear the most likely reasons for decline in the upper basin but perhaps a synergistic effect of both factors is responsible.

The most dramatic decline has occurred in the Green River of Dinosaur National Monument during the 1960's. This portion of the river was drastically altered by the 1962 closure of the Flaming Gorge Dam. The decline in bonytails apparently started after 1966 when the reservoir became stabilized near its planned capacity. No reproduction has been noted in the last ten years for the bonytail, although biologists have looked specifically for young bonytails. The most recent (1974) collection of adult bonytails is from Desolation Canyon of the Green River, Utah. The recent decline in Dinosaur National Monument suggests that minor changes in water quality may cause serious declines of the bonytail, hence any alteration of the mainstream or tributaries might result in the species' extinction.

(b) The historical range of the razorback sucker, *Xyrauchen texanus*, included the large river habitat of the entire Colorado River basin. The razorback, as the name implies, has a very pronounced, bony keel on its back, just behind the head. The razorback prefers slow backwater areas where it feeds on the bottom detritus and perhaps plankton. Historically abundant, it was caught and sold as food by early settlers.

Alteration of the Colorado River and its tributaries by large dams for power generation and irrigation during the 20th century has altered much of the original river ecosystem. Much of the Gila River no longer has a permanent flow due to impoundment and irrigation diversion. Large numbers of adult razorbacks are usually found in reservoirs soon after dam closure, and these adult populations persist for approximately 30 years, and then disappear. At present, large numbers are found in Lakes Mead, Mohave, and Havasu. Spawning has been observed in these areas, but no juveniles have been found. The adults are quite old, but some individuals are young enough to suggest at least some recruitment since closure of the dams. Whether this recruitment is enough to maintain the population is not known. Razorbacks apparently have a maximum age of about 30 years. They grow to large sizes in the reservoirs and are relatively abundant, but past experience suggests recruitment is not sufficient to maintain populations there.

Similar to other endemic large river fishes in the Colorado basin, razorbacks are not found in the cold tailwaters of the high dams. It appears they have been extirpated from the

Grand Canyon portion of the Colorado for this reason.

Razorback suckers are found throughout most of their original range in the upper basin, but in small numbers, where they congregate in backwater areas, thereby giving a false appearance of abundance. They are not nearly as abundant as early settlers and biologists found them. Reasons for their decline in the upper basin are not obvious, but appear to be due to minor habitat alterations by upstream impoundments and water withdrawals, perhaps in conjunction with competition and predation by introduced fishes.

It is not known whether razorbacks are reproducing in the upper basin. Ripe and/or spawned fish were found at the mouth of the Yampa River in 1975 and 1976, and also in a gravel pit in the Colorado River near Grand Junction, Colo., in 1975. No juvenile razorbacks have been found in recent surveys, probable because they appear very similar to the more abundant flannelmouth sucker, *Catostomus latipinnis*. Subadults have been reported recently as they are more easily identified. Most experts agree that at present recruitment appears to be maintaining some upper basin population level and, therefore, reproduction is assumed.

2. *Overutilization for commercial, sporting, scientific, or educational purposes.* Not applicable.

3. *Disease or predation.* (a) Predation by introduced species may be an important factor in the decline of the bonytail chub. Loss of young fish to introduced predators such as bass, sunfish, and catfish is probable, although these species are not abundant in the upper basin. Predation on larval chubs by the red shiner (*Notropis lutrensis*) and reidside shiner (*Richardsonius balteatus*) has been suggested by several authorities as probable. The extent of the problem is not known, but it may be considerable in some areas.

(b) The large numbers of introduced fishes in the Colorado River system suggest their predation on native fishes also may be an important factor in the decline of native fish, including the razorback sucker. Predation is probably most significant in young native fishes, such as larval and juvenile razorbacks. Several biologists have suggested the red shiner (*Notropis lutrensis*) and the reidside shiner (*Richardsonius balteatus*) are serious potential predators on larval razorback suckers, but the extent of the problem is not known. Introduced bass were able to virtually eliminate native fishes in the lower Black River in Arizona, including two species of suckers, two years after their introduction.

4. *The inadequacy of existing regulatory mechanisms.* Not applicable.

5. *Other natural or manmade factors affecting its continued existence.* Not applicable.

EFFECT OF THE RULEMAKING

Section 7 of the Act, entitled "Inter-agency Cooperation" states:

The Secretary shall review other programs administered by him and utilize such programs in furtherance of the purposes of this act. All other Federal departments and agencies shall, in consultation with and with the assistance of the Secretary, utilize their authorities in furtherance of the purposes of this Act by carrying out programs for the conservation of endangered species and threatened species listed pursuant to Section 4 of this Act and by taking such action necessary to insure that actions authorized, funded, or carried out by them do not jeopardize the continued existence of such endangered species and threatened species or result in the destruction or modification of habitat of such species which is determined by the Secretary, after consultation as appropriate with the affected States, to be critical.

A definition of the term "Critical Habitat" was published jointly by the Fish and Wildlife Service and the National Marine Fisheries Service in the FEDERAL REGISTER of January 4, 1978 (43 FR 870-876). Although no Critical Habitat has been proposed for these species, the other provisions of Section 7 are applicable.

All Federal departments and agencies shall, in accordance with Section 7 of the Act, consult with the Secretary of the Interior with respect to any action which is considered likely to affect the species or their habitats. Consultation pursuant to Section 7 should be carried out pursuant to new regulations published on January 4, 1978, in the FEDERAL REGISTER (43 FR 870-876) (to be codified as 50 CFR Part 402) to assist Federal agencies in complying with Section 7 of the Endangered Species Act of 1973.

The effects of these determinations and this rulemaking include, but are not necessarily limited to, those discussed below.

Endangered species regulations already published in Title 50 of the Code of Federal Regulations set forth a series of general prohibitions and exceptions which apply to all Endangered species. All of those prohibitions and exceptions also apply to any Threatened species unless a special rule pertaining to that Threatened species has been published and indicates otherwise. The regulations referred to above, which pertain to Endangered species, are found at § 17.21 of Title 50 and are summarized below.

With respect to the bonytail chub, all prohibitions of Section 9(a)(1) of the Act, as implemented by 50 CFR 17.21, would apply. These prohibitions, in part, would make it illegal for any person subject to the jurisdiction of the United States to take, import or export, ship in interstate commerce in

the course of a commercial activity, or sell or offer for sale in interstate or foreign commerce these species. It also would be illegal to possess, sell, deliver, carry, transport, or ship any such wildlife which was illegally taken. Certain exceptions would apply to agents of the Service and State conservation agencies. Permits for scientific purposes or for the enhancement of propagation or survival would be available in accordance with 50 CFR 17.22. Economic hardship permits would be available under 50 CFR 17.23.

With respect to the razorback sucker, the prohibitions of 50 CFR 17.31 will apply. Generally, these prohibitions are the same as those applicable to Endangered species as described above. However, a special rule is proposed pursuant to 50 CFR 17.31(c) which will allow the razorback sucker to be taken in accordance with State law. The special rule will allow sport fishing for the razorback sucker under State supervision.

Regulations published in the FEDERAL REGISTER of September 26, 1975 (40 FR 44412) provided for the issuance of permits to carry out otherwise prohibited activities involving Endangered or Threatened species under certain circumstances. Such permits involving Endangered species are available for scientific purposes or to enhance the propagation or survival of the species. In some instances, permits may be issued during a specified period of time to relieve undue economic hardship which would be suffered by a person if such relief were not available.

Pursuant to Section 4(b) of the Act, the Director will notify the Governors of California, Nevada, Arizona, New Mexico, and Utah with respect to this proposal and request their comments and recommendations before making final determinations.

PUBLIC COMMENTS SOLICITED

The Director intends that the rules finally adopted will be as accurate and

effective in the conservation of any Endangered or Threatened species as possible. Therefore, any comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, private interests or any other party interested in any aspect of these proposed rules are hereby solicited. Comments particularly are sought concerning:

(1) Biological or other relevant data concerning any threat (or the lack thereof) to the bonytail chub and razorback sucker;

(2) The location of habitat of the bonytail chub and razorback sucker that should or should not be determined to be Critical Habitat as provided for by Section 7 of the Act;

(3) Additional information concerning the range and distribution of the bonytail chub and razorback sucker.

Final promulgation of the regulations on the bonytail chub and razorback sucker will take into consideration the comments and any additional information received by the Director. Also, such communications may

lead him to adopt final regulations that differ from this proposal.

An environmental assessment has been prepared in conjunction with this proposal. It is on file in the Service's Office of Endangered Species, 1612 K Street NW., Washington, D.C., and may be examined during regular business hours. A determination will be made at the time of final rulemaking as to whether this is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this document is Dr. James D. Williams, Office of Endangered Species, 202-343-7814.

REGULATIONS PROMULGATION

Accordingly, it is hereby proposed to amend Title 50 CFR Part 17 as follows:

1. Amend § 17.11 by adding in alphabetical order the following to the list of animals:

§ 17.11 Endangered and threatened wildlife

Species		Range					When listed	Special rules
Common name	Scientific name	Population	Known distribution	Portion of range endangered	Status			
Fishes:								
Chub, bonytail	<i>Gila elegans</i>	NA	U.S.A. (Colorado River basin).	Entire...	E.....	N/A	
Sucker, razorback...	<i>Xyrauchen texanus</i> .	NAdodo...	T.....	17.44(g).	

§ 17.44 [Amended]

2. Amend § 17.44 by adding a new paragraph (g) as follows:

(g) * Razorback sucker (*Xyrauchen texanus*).

(1) All provisions of § 17.31 apply to this species, except that it may be taken in accordance with applicable State law.

(2) Any violation of State law will also be a violation of the Act.

NOTE.—The Service has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11949 and OMB Circular A-107.

Dated: April 13, 1978.

LYNN A. GREENWALT,
Director,
Fish and Wildlife Service.

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