

appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Peter Sorensen at the above address (916/978-4866).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533) (Act), 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. 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 the requested action may be warranted, then the Service initiates a status review on that species. Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned action is warranted, within 1-year of the receipt of a petition that presents substantial information.

On January 29, 1992, the Service received a petition from Drs. Mark Jennings and Marc Hayes, and Mr. Dan Holland to list the western pond turtle (*Clemmys marmorata*) and the California red-legged frog (*Rana Aurora draytonii*). The petition specified endangered or threatened status by distinct drainages (watersheds) within the range of each species. The letter, dated January 15, 1992, identified itself as a petition and contained the names, addresses, and signatures of the petitioners. A letter acknowledging receipt of the petition was mailed to the petitioners on February 10, 1992.

The information submitted in support of the petition represents an impressive synthesis of research conducted on the western pond turtle and California red-legged frog to date. The petitioners have studied exhaustively the current and historic distribution and threats to these taxa. In addition, their biological studies on these species have resulted in the publication of numerous papers in the scientific literature. This 90-day finding is based on the above information.

The western pond turtle consists of two recognized subspecies: the northwestern pond turtle (*Clemmys marmorata marmorata*), which occurs from the Sacramento Valley and coastal drainages of California northward to the Columbia River drainage of Oregon and Washington; and the southwestern pond

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding and Commencement of Status Reviews for a Petition To List the Western Pond Turtle and California Red-Legged Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the western pond turtle (*Clemmys marmorata*) and the California red-legged frog (*Rana aurora draytonii*) under the Endangered Species Act of 1973, as amended (Act). The petition has been found to present substantial information indicating the requested action may be warranted. Through issuance of this notice, the Service is commencing a formal review of the status of these species.

DATES: The finding announced in this notice was made on August 12, 1992. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the above address until further notice.

ADDRESSES: Data, information, comments, or questions concerning the status of the petition species described below should be submitted to the Field Supervisor, Sacramento Field Office, Fish and Wildlife Service, 2800 Cottage Way, Room E-1803, Sacramento, California 95825-1846. The petition, finding, supporting data, and comments are available for public inspection, by

turtle (*C. m. pallida*), found from the San Joaquin Valley and coastal drainages southward to northwestern Baja California, Mexico. Outlying populations of the northwestern pond turtle are recorded from the vicinity of Puget Sound, Washington; Grant County, Oregon; and the Carson and Truckee Rivers, Nevada.

A habitat generalist, the western pond turtle inhabits a wide range of fresh or brackish, permanent and intermittent water bodies from sea level to about 4,500 feet (1,372 meters). Hatchlings and juveniles require more specialized habitats. The western pond turtle feeds primarily on small aquatic invertebrates.

Over 90 percent of wetland habitats historically distributed throughout the pond turtle's range in California has been eliminated. A variety of human activities, including agricultural operations, urbanization, flood control, and water diversion projects, cumulatively have contributed to loss of habitat. In addition, primary threats include habitat fragmentation and associated effects on population viability, commercial harvest and overexploitation, and predation by introduced alien species. According to the petitioners, although the western pond turtle still occurs in most of its former geographic range, it has been completely or ecologically extirpated from many areas, including the type locality in Puget Sound. The few remaining areas that contain moderate to large viable populations are apparently under threat. Extirpation of historic populations has been most pronounced throughout southern California and the San Joaquin Valley.

The California red-legged frog historically was distributed throughout most of lowland California, occurring coastally from Point Reyes National Seashore, Marin County, and inland from Redding, Shasta County, southward into northwestern Baja California, Mexico. This taxon is a habitat specialist, which among other components, requires dense shrubby or emergent vegetation associated with essentially fresh, permanent, and deep (greater than about 3 feet (.9 meters), still or slow moving water. The diet of the California red-legged frog reportedly consists primarily of amphibians and other animals.

Like the western pond turtle, the California red-legged frog also has suffered severe losses of habitat, to the extent that the taxon has been extirpated from approximately 75 percent of its historic geographic range. Large breeding populations are apparently known from only three areas. The causes of habitat loss and

population decline also are similar to that of the turtle. These include habitat fragmentation, overexploitation, and the spread of exotic species. The uncontrolled spread of bullfrogs (*Rana catesbeiana*), an alien species to California, represents a particularly severe threat that has resulted in the extirpation of numerous red-legged frog populations throughout its range.

The southwestern pond turtle (*Clemmys marmorata pallida*), and the California red-legged frog are both included as category 1 candidates in the November 21, 1991, Animal Notice of Review (56 FR 58804), with listing priority numbers of 3. The northwestern pond turtle (*C. m. marmorata*), is included as a category 2 candidate in the above notice of review.

The petition and supporting information have been reviewed by staff of the Sacramento Field Office and Portland Regional Office. As noted earlier, the petitioners have conducted a thorough review of the literature to date, as well as conducting biological studies on the status of these two species. The Service finds that the petition presents substantial information indicating that listing of the western pond turtle (*Clemmys marmorata*) and the California red-legged frog (*Rana aurora draytonii*) may be warranted. This decision is based on scientific and commercial information contained in the petition and on information otherwise available to the Service at this time.

This finding initiates status reviews for these two species. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of these species.

Author

This notice was prepared by Peter Sorensen (Sacramento Field Office), and Leslie J. Propp (Portland Regional Office).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: August 12, 1992.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

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50 CFR Part 17

RIN-1018-AA98

Endangered and Threatened Wildlife and Plants; Notice Reopening the Public Comment Period for the Bruneau Hot Springs Snail (*Pyrgulopsis bruneauensis*)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of public comment period.

SUMMARY: The Fish and Wildlife Service (Service) is reopening the comment period on the proposal to add the Bruneau Hot Springs Snail (*Pyrgulopsis bruneauensis*) to the list of endangered wildlife. The Bruneau Hot Springs snail is endemic to the complex of related thermal springs adjacent to the Bruneau River south of Mountain Home, Idaho. The major threat to this species is habitat loss due to the drastic and continuing reduction in thermal spring flows from groundwater withdrawal/mining in the Bruneau Hot Springs aquifer. The Service proposed the snail for listing as endangered on August 21, 1985 (50 FR 33803). During four public comment periods and two public hearings following the proposed rule the Service received new information that questioned the distribution, population status, and impacts of present threats. In addition, there was substantial disagreement regarding the sufficiency or accuracy of the available data used to prepare the proposed rule. Following this period, the U.S. Congress appropriated funds to: (1) Implement a tentative draft management plan developed by the Service and five cooperating agencies; Bureau of Land Management, U.S. Geological Survey, Farmers Home Administration, Idaho Department of Fish and Game, and Idaho Department of Water Resources, (2) further study the species' current status and distribution, and (3) study hydrological conditions and groundwater withdrawal in the Bruneau River basin. A final decision concerning the proposed rule has not been published. On July 6, 1992, the Land Fund of the Rockies, representing the Idaho Conservation League and the Committee for Idaho's High Desert, filed suit in Federal district court in Boise, Idaho. The suit was filed under the Endangered Species Act of 1973, as amended, over the Service's failure to make a final decision on the proposed listing of the Bruneau Hot Spring snail. Because of the concerns raised in the lawsuit and to ensure the accuracy of any final decision concerning the