

**ACTION:** Notice of withdrawal of five expired proposed rules.

**SUMMARY:** As amended November 10, 1978, the Endangered Species Act mandatorily withdraws proposed rules to list species which have not been finalized within two years of the proposal. The amended Act also authorized a one-year suspension of all withdrawals, until November 10, 1979. The time limits have expired for 1,876 plants and animals in five proposals, and this constitutes notice of their withdrawal. Species from all States except Nebraska, North Dakota, South Dakota and West Virginia, and from over 27 foreign countries, are included. The majority of the withdrawn species are native plants which remain under notice of review. The Service requests substantive data on plants by March 15, 1980, for a revised notice.

**FOR FURTHER INFORMATION CONTACT:** Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, Fish and Wildlife Service, Washington, D.C. 20240 (703/235-2771).

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4(f)(5) of the Endangered Species Act of 1973, as amended November 10, 1978, states that:

A final regulation adding a species to any list published pursuant to subsection (c) shall be published in the Federal Register not later than two years after the date of publication of notice of the regulation proposing such listing under paragraph (B)(i)(I). If a final regulation is not adopted within such two-year period, the Secretary shall withdraw the proposed regulation and shall publish notice of such withdrawal in the Federal Register not later than 30 days after the end of such period. The Secretary shall not propose a regulation adding to such a list any species for which a proposed regulation has been withdrawn under this paragraph unless he determines that sufficient new information is available to warrant the proposal of a regulation. No proposed regulation for the listing of any species published before the date of the enactment of the Endangered Species Act Amendments of 1978 shall be withdrawn under this paragraph before the end of the one-year period beginning on such date of enactment.

The two-year time limit on proposals and one-year period on suspension of withdrawals which were established in this subsection have expired for the five proposed rules indicated below:

Proposed rule	Date	FR reference
Proposed Endangered status for 216 species appearing on Convention on International Trade	Sept. 20, 1975	40 FR 44329-33.
Proposed Endangered or Threatened status for 32 U.S. snails	Apr. 28, 1976	41 FR 17742-6.
Proposal to determine 2 birds, 1 lizard, 3 snails, and 1 insect, all indigenous to the California Channel Islands, to be Endangered species.	June 1, 1976	41 FR 22073-5.
Proposed Endangered status for some 1700 U.S. vascular plant taxa	June 16, 1976	41 FR 24523-72.
Proposed Endangered or Threatened status for 41 U.S. species of Fauna	Jan. 12, 1977	42 FR 2507-15.

In accord with Section 4(f)(5), all species in these proposed rules which either had not been previously withdrawn, or have not already been the subjects of final rules were mandatorily withdrawn on November 10, 1979.

This action gives notice of the withdrawal of approximately 1,876 proposed native and foreign plants and animals, and involves range in all fifty states except Nebraska, North Dakota, South Dakota and West Virginia, and range in over twenty-seven foreign countries.

Approximately 1,726 of these species are native plants which were proposed as Endangered in the June 16, 1976 Federal Register (41 FR 24523). The majority of these plant species were also included in a notice of review in the July 1, 1975 Federal Register (40 FR 27823). That notice was in response to House Document No. 94-51, the report of the Smithsonian Institution to Congress as required by Section 12 of the Act. It contained a list of 3,187 U.S. vascular

plant taxa considered by the Smithsonian Institution to be endangered, threatened, or extinct.

**Notice Continued and Information Requested**

The Service has accepted the report of the Smithsonian Institution as a petition within the context of Section 4(c)(2) of the Act. The notice of review in the July 1, 1975, Federal Register (40 FR 27823-27924) continues for the approximately 3,131 plant taxa which have not been the subjects of final rules. The Service has mentioned the continuing review of these taxa in previous Federal Register documents on June 24, 1977 (42 FR 32374) and April 26, 1978 (43 FR 17910). As a consequence of this continuing review, these plant taxa should be considered in environmental planning.

The Service recognizes that the data and information on these taxa and other vulnerable plants have changed in the more than four years that the notice of

**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

**Endangered and Threatened Wildlife and Plants; Notice of Withdrawal of Five Expired Proposals for Listing of 1,876 Species, and Intent To Revise 1975 Plant Notice Which Includes Most of These Species**

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

<sup>1</sup>Despite the findings in Docket 74-10, GSA's next request for bids produced bids as low as one cent.

review has been in effect. Therefore, the Service intends to publish a new notice in the near future to supersede the notice of July 1, 1975. In this regard, substantive data and information to indicate appropriate candidate plant taxa which may qualify for listing under the Act, and which should be included in this revised notice, are hereby solicited by March 15, 1980. The information should be sufficient to decide whether the plant taxon should be dropped from the 1975 notice, or included in the new notice which will supersede it. The Service will use this contemplated new list of plant taxa to guide further plant conservation review; it does not constitute the first step to another single proposal of a large number of plant taxa such as the proposal of June 16, 1976 (41 FR 24523). New proposals of taxa must conform with all requirements of the amended Act.

Such information as is requested above should be sent to the Chief, Office of Endangered Species, Attention: Plant Notice, U.S. Fish and Wildlife Service, Washington, D.C. 20240; the deadline for receipt of information is March 15, 1980.

With respect to each of the 1,876 proposed species withdrawn because of Section 4(f)(5), it should be kept in mind that the subsection authorizes reproposal of such species if it is determined that sufficient new information is available to warrant the new proposed listing.

This notice is issued under the authority contained in the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*; 87 Stat. 884, 92 Stat. 3751). The primary author of this notice is Dr. Bruce MacBryde, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (703/235-1975).

Dated: December 5, 1979.

Robert S. Cook,

*Acting Director, Fish and Wildlife Service.*

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