

Federal Communications Commission.

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Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; Notice of 90-day Finding on a Petition to Remove Arizona as Part of the Historic Range and to Delist the Jaguarundi (*Felis yagouaroundi tolteca*)

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

**ACTION:** Notice of 90-day petition finding.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to amend the List of Endangered and Threatened Wildlife and Plants. A finding has been made for the jaguarundi (*Felis yagouaroundi tolteca*) that substantial information has not been presented to indicate that removing Arizona as part of its historic range or delisting the species is warranted.

**DATES:** The finding announced in this notice was made on February 5, 1992. Comments and materials related to this petition finding may be submitted to the Refuge Manager at the address listed below until further notice.

**ADDRESSES:** Information, comments, or questions should be submitted to the Refuge Manager, U.S. Fish and Wildlife Service, Laguna Atascosa National Wildlife Refuge, P.O. Box 450, Rio Hondo, Texas, 78583. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Linda Laack (512/748-3607) at the above address.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), 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

receipt of the petition, and the finding is to be published promptly in the *Federal Register*.

On June 5, 1991, the Fish and Wildlife Service (Service) received a petition from Mr. Seymour Levy to delete Arizona as part of the historic range of the jaguarundi (*Felis yagouaroundi*) and to remove *F. Y. tolteca* from the endangered or threatened list in the United States, pursuant to the Endangered Species Act of 1973, as amended (Act). A letter acknowledging receipt of the petition was sent to Mr. Levy on June 24, 1991. The petition, dated May 19, 1991, clearly identified itself as a petition and contained the name, signature, address, and telephone number of Mr. Levy as the petitioner.

The finding was prepared by the staff of the Laguna Atascosa National Wildlife Refuge (LANWR) and reviewed by the Albuquerque Regional Office. The finding is based on published and unpublished field sightings and literature synthesis. Interviews were conducted with researchers, wildlife managers, personnel from other southwest region field stations, and others familiar with jaguarundis. All documents and phone conversation records on which this finding is based are on file at LANWR.

The petition presents the contention that Arizona was included as part of the historical range of the jaguarundi based on three questionable published first hand sightings. The petition includes literature references to support the discussion of jaguarundi sightings in Arizona. The Service's interpretation of the discussion within the petition is that the following two issues are put forth as the consequences of these questionable sightings:

1. The jaguarundi subspecies (*Felis yagouaroundi tolteca*) never occurred in Arizona and thus Arizona should no longer be considered part of its historic range;
2. The jaguarundi subspecies (*Felis yagouaroundi tolteca*) is no longer eligible for listing in the U.S.

The petitioner provided evidence that much cross-citing occurred as reported in references that denote Arizona as part of the range of the jaguarundi and that these reports ultimately lead back to the single Little (1938) sighting. The petitioner also questions Little's credibility, stating that Little was a botanist and did not appear to have had any previous experience with wild cats in general or jaguarundis in particular.

The references of Cockrum (1960), Corbett and Hill (1980), Guggisberg (1975), Hall and Kelson (1959), Miller and Kellogg (1955), Nowak and Paradiso (1983), and Tewes and Schmidly (1987),

all lead back to the Little (1938) sighting. Burt and Grossenheider (1976), Leopold (1959), Palmer (1954), Riciutti (1979), and USFWS (1980) include Arizona as part of the range of the jaguarundi but do not give references. However, there are 20 other unpublished sightings from 1975-1991 on file with the Arizona Game and Fish Department and the Arizona Nature Conservancy, with four of these sightings made by professional biologists. Other sightings were discussed during interviews with those familiar with jaguarundis concerning this petition. Although sighting data must be interpreted cautiously and does not constitute documentation, numerous sightings by reliable sources do provide reasonable evidence that the jaguarundi may occur in Arizona.

The petitioner states that the documented range of *F. y. tolteca* is the coastal plains and tropical jungles of the west coast of Southern Sinaloa, more than 500 miles from the Mexico/Arizona border. The petitioner found no evidence of jaguarundi documentation in Sonora or Chihuahua, Mexico, or Arizona and that southeastern Arizona appears completely unsuitable when compared with known occupied habitats. The petitioner also states that southeastern Arizona has been well "worked" by mammalogists, predator control programs and private fur trappers without incidence of a documented report of the jaguarundi.

No research has been conducted on the distribution or status of the jaguarundi in Sonora or Chihuahua, Mexico, or Arizona. The distribution of the jaguarundi is largely unknown and difficult to document for the following reasons: (1) The jaguarundi is a secretive cat which lives in concealing habitat (Cahalane 1947, Goodwyn 1970, Harwell and Siminski 1990, Leopold 1959); (2) the jaguarundi is not easily trapped (Goodwyn 1970); and (3) jaguarundis are similar in size and color to feral house cats and other small darkly colored animals and thus are not easily noticed as road-kills. In Texas, 17 years, from 1969-1986 (Harwell and Siminski 1990), passed between documentations of the jaguarundi, indicating how difficult it can be to document this species. Jaguarundis are found in a variety of habitats including semiarid thorny forests, deciduous forests, very humid premontane forests, upland dry savannas, swampy grasslands, riparian areas, edges of forests, dense brush, and shrubbery, as well as open fields, though they usually stay near cover (Konecny 1989, Monolfi 1986). Potential jaguarundi habitat does occur in southeastern Arizona.

The petitioner questioned why it is believed *F. y. tolteca* occurs in Arizona when there is no jaguarundi specimen for the area and southeastern Arizona is nearly equidistant from the documented range of both *F. y. tolteca* and *F. y. cacomithi*.

Several species of mammals occur in both the east and west coast of Mexico and into Texas and Arizona, but are not found in Central Mexico. The Sierra Madre highlands are a geographical barrier for subspecies of such species as the ocelot (*Felis pardalis albescens* and *F. p. sonoriensis*), the jaguar (*Felis onca versicoloris* and *F. o. sonoriensis*), and the collared peccary (*Dicotyles tajacu angulatus* and *D. t. sonoriensis*) (Hall and Kelson 1959). Jaguarundis require habitat similar to the ocelot (Harwell and Siminiaki 1990) and it is probable that the Sierra Madres also act as a barrier for the two subspecies. Therefore, *F. y. tolteca* is most likely the subspecies that occurs in Arizona.

Based on the foregoing analysis, the Service believes that insufficient scientific information exists to remove Arizona as part of the historic range of the jaguarundi or to remove the U.S.A. (Arizona) historic range designation as part of the protected population of the jaguarundi (*F. y. tolteca*) from the list of Endangered and Threatened Wildlife and Plants.

The Service has reviewed the petition, the literature cited in the petition, other available literature and data, and consulted with jaguarundi experts and other researchers. Based on the best scientific and commercial information currently available, the Service finds that the petition does not present substantial information indicating that

the requested actions may be warranted.

#### Literature Cited

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#### Author

This notice was prepared by Lorena Wada, U.S. Fish and Wildlife Service, P.O. Box 1300, Albuquerque, New Mexico 87103. [505/786-2914 or FTS 474-2914.]

#### Authority

The authority citation for this action is 16 U.S.C. 1531-1544.

#### List of Subjects in 50 CFR Part 17

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

Dated: April 8, 1992.

Richard N. Smith,

Director, Fish and Wildlife Service.

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