

habitat. The four taxa and their habitats have been variously affected or are threatened by one or more of the following: habitat degradation and/or predation by feral or domestic animals (goats, pigs, cattle, sheep and deer); competition for space, light, water, and nutrients from alien plants; human impacts; and fire. In addition, these taxa are subject to an increased likelihood of extinction and/or reduced reproductive vigor from chance (stochastic) events due to the small number of existing individuals and their very narrow distributions.

The objective of this plan is to provide a framework for the recovery of these four taxa so that their protection by the Endangered Species Act (ESA) is no longer necessary. This plan summarizes available information about each taxon, reviews the threats to their continued existence, and lists management actions needed to remove these threats. Immediate actions needed to prevent extinction of these taxa include habitat protection through fencing for exclusion of ungulates, control of alien plants, and protection from fire. *Ex situ* propagation and augmentation of some populations may also be needed. Long-term activities necessary for the perpetuation of these taxa in their natural habitats include long-term monitoring and management as well as re-establishment of populations within their historic ranges. Research on life history, limiting factors, habitat requirements, and minimum viable population size is needed to help make appropriate management decisions.

Public Comments Solicited

The Service solicits written comments on the recovery plan. All comments received by the date specified above will be considered prior to approval of this plan.

Authority

The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: May 27, 1997.

Michael J. Spear,

Regional Director, U.S. Fish and Wildlife Service, Region 1, Pacific Region.

[FR Doc. 97-19175 Filed 7-21-97; 8:45 am]

BILLING CODE 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 Stone Mountain Fairy Shrimp as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Stone Mountain fairy shrimp (*Branchinella lithaca*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition presents substantial information indicating that listing this species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on July 11, 1997. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by September 22, 1997.

ADDRESSES: Questions, comments, data, or information concerning this petition should be sent to the U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. 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: Mr. John F. Milio (see **ADDRESSES** section); telephone (904) 232-2580, ext. 112.

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 to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, the finding shall be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. Following a positive finding, section 4(b)(3)(B) of the Act requires the Service to promptly commence a status review of the species.

The processing of this petition conforms with the Service's final listing

priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will continue to process the backlog of rulemakings during fiscal year 1997 following two related events: (1) The lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104-6), and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority to handling emergency situations (tier 1), second highest priority (tier 2) to resolving the listing status of the outstanding proposed listings, and third priority (tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions. The processing of this petition falls under tier 3. At this time, the Southeast Region has no pending tier 1 actions and pending tier 2 actions are near completion. Additionally, the guidance states that "effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in Tiers 1, 2, and 3" (61 FR 64480).

The Service has made a 90-day finding on a petition to list the Stone Mountain fairy shrimp, *Branchinella lithaca*. The petition, dated March 29, 1995, was submitted by Mr. Larry Winslett, President of the "Friends of Georgia," Lithonia, Georgia, and was received by the Service on March 31, 1995. It requests the Service to emergency list the Stone Mountain fairy shrimp as endangered and designate critical habitat under 5 U.S.C. 553 of the Administrative Procedures Act. The petition identifies construction and demolition associated with further development at the summit of Stone Mountain Park as the immediate threats to the species' continued existence. It includes as potential impacts the contamination of the shrimp's vernal (temporary) pool habitat by chemicals and physical debris, and crushing of its resting stages by vehicles.

The Stone Mountain fairy shrimp is one of four species of *Branchinella* known from North America, where they are among the least common fairy shrimp species (Belk and Sissom 1992). Fairy shrimp are small Anostracan crustaceans usually restricted to fishless ponds, particularly vernal pools. Their life cycle includes both active and resting stages which are synchronized with the seasonal filling and drying out

of their habitat (Dodson and Frey 1991). The known range of the Stone Mountain fairy shrimp is restricted to rock pools near the summit of State-owned Stone Mountain, a large granitic dome in DeKalb County located in north-central Georgia, east of Atlanta (Creaser 1940, Pennak 1953).

The development project cited by the petitioner began in 1995, with completion expected in spring or summer 1997 (Alice Richards, Stone Mountain Memorial Association, pers. comm. 1997). Responding to the petition and a Service letter of concern, the Stone Mountain Memorial Association, manager of Stone Mountain Park, outlined the additional specific measures being taken to protect and conserve the affected environment (G.C. Branscome, Stone Mountain Memorial Association, *in litt.* 1995). These measures included use of spill kits and containment booms, preparation of maps and guidelines to address environmental issues, such as avoidance of sensitive areas, and dedication of Park personnel to monitor and report on environmental and work site conditions as well as contractor adherence to environmental specifications.

The Service has reviewed the petition, its accompanying literature, and other literature and information in the Service's files. On the basis of the best scientific and commercial information available, the Service finds that the petition presents substantial

information that listing the Stone Mountain fairy shrimp may be warranted. This finding is based on range surveys which suggest that the species is restricted to a single locality, and the potential adverse impacts to the species and its habitat from documented actions such as the parking of construction equipment in a vernal pool and the infiltration of construction-related debris into fairy shrimp habitat. The last documented collection of the species was in 1951. The petitioner believes he observed the Stone Mountain fairy shrimp at the type locality in 1994. Cursory samples taken at Stone Mountain in 1995 and 1996 did not contain fairy shrimp, but did produce clam shrimp (*Eulimnadia* sp.). The Service feels that a regular survey involving collection of water and sediment samples at various sites is needed to accurately determine the species' status.

The petitioner's requests for emergency listing and concurrent designation of critical habitat are not subject to the Act's petition provisions. However, in accordance with the Service's listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475) the Service has conducted a preliminary review of this petition in order to determine whether an emergency situation currently exists. Our preliminary review indicated that an emergency listing of the Stone Mountain

fairy shrimp is not necessary. The designation of critical habitat, petitionable under the Administrative Procedures Act, will be considered if it is determined that listing is warranted.

References Cited

- Belk, D., and S.L. Sissom. 1992. New *Branchinella* (Anostraca) from Texas, U.S.A., and the problem of antennalike processes. *Journal of Crustacean Biology* 12(2):312-316.
- Creaser, E.P. 1940. A new species of phyllopod crustacean from Stone Mountain, Georgia. *Journal of the Washington Academy of Sciences* 30:435-437.
- Dodson, S.I., and D.G. Frey. 1991. Cladocera and other Branchiopoda. Pp. 723-780 in: J.H. Thorp and A.P. Covich, eds. *Ecology and Classification of North American Freshwater Invertebrates*. Academic Press, New York.
- Pennak, R.W. 1953. *Fresh-water invertebrates of the United States*. The Ronald Press Company, New York. 769 pp.

Author: The primary author of this document is Mr. John F. Milio, Jacksonville Field Office (see **ADDRESSES** section).

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

Dated: July 11, 1997.

Jay L. Gerst,

Acting Director, Fish and Wildlife Service.
[FR Doc. 97-19203 Filed 7-21-97; 8:45 am]

BILLING CODE 4310-55-P