

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Notice of Reclassification of Four Candidate Taxa: *Pediocactus Paradinei* (Kaibab Plains Cactus), *Castilleja Elongata* (Tall Paintbrush), *Dalea Tentaculoides* (Gentry's Indigobush), and *Astragalus Oophorus* var. *Clokeyanus* (Clokey's Eggvetch)

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of candidate taxa reclassification.

SUMMARY: In this document, the U.S. Fish and Wildlife Service (Service) provides the explanation for changes in the status of *Pediocactus paradinei* (Kaibab plains cactus), *Castilleja elongata* (tall paintbrush), *Dalea tentaculoides* (Gentry's indigobush), and *Astragalus oophorus* var. *clokeyanus* (Clokey's eggvetch), plant taxa that are under review for possible addition to the List of Endangered and Threatened Plants under the Endangered Species Act of 1973, as amended (Act). These taxa are being removed from candidate status at this time.

ADDRESSES: Questions concerning this notice should be submitted to the Chief, Division of Endangered Species, U.S. Fish and Wildlife Service, 1849 C Street, N.W., Mail Stop 452 ARLSQ, Washington, D.C. 20240.

FOR FURTHER INFORMATION CONTACT: E. LaVerne Smith, Chief, Division of Endangered Species (see **ADDRESSES** section) (telephone: 703/358-2171).

SUPPLEMENTARY INFORMATION:**Background**

Candidate taxa are those taxa for which the Service has on file sufficient information to support issuance of a proposed rule to list under the Act. In addition to its annual review of all candidate taxa, the Service has an ongoing review process, particularly to update taxa whose status may have changed markedly. This notice provides the specific explanation for the reclassification of four plant taxa.

It is important to note that candidate assessment is an ongoing function and changes in status should be expected. Taxa that are removed from the candidate list may be restored to candidate status if additional information supporting such a change becomes available to the Service. Requests for such information were issued by the Service most recently in

the plant and animal candidate notice of review published in the **Federal Register** on September 19, 1997 (62 FR 49398).

Findings

Pediocactus paradinei (Kaibab plains cactus) occurs in pinyon-juniper woodlands and sagebrush valleys in Coconino County, Arizona. The cactus is known from 36 sites across a 150 square mile (390 square kilometer) area. The species was considered to be threatened by off-road vehicle use for recreation and fuelwood gathering, road construction, recreational activities, livestock grazing, vegetation manipulation, and collection. In October of 1996 the U.S. Forest Service and the Bureau of Land Management developed a Conservation Assessment and Strategy for management of the species. Implementation of the strategy since that time has resulted in off-road vehicle use and other recreational activities being restricted in certain areas; road construction impacts being addressed in project proposals; fuelwood harvesting being restricted or prohibited; livestock grazing being eliminated in certain areas; vegetation manipulation of pinyon-juniper woodland being addressed through better management coordination and research; and ongoing research to address management needs on an ecosystem level. The available information currently indicates that the degree of the threats to *P. paradinei* does not warrant issuance of a proposed rule nor continuation of candidate status for this species.

Castilleja elongata (tall paintbrush) is known from four populations in Big Bend National Park in Texas, administered by the National Park Service. Habitat loss from range management practices is thought to have caused extirpation of *C. elongata* from historical locations. The remaining four populations are considered threatened primarily by trail construction and maintenance, trail erosion, natural events, and genetic problems associated with small population size. However, the taxonomy of *C. elongata* is now in question. The available information concerning whether *C. elongata* should be classified as a distinct species is conflicting. Several university scientists considered experts on this group agree that more information is needed before a determination can be made regarding the taxonomy of *C. elongata*. The last published treatment of *C. elongata* incorporates the species into *C. integra*, while publication of two other treatments which maintain *C. elongata*

as a species have been canceled. Based on the available information, the Service cannot conclude at this time that *C. elongata* meets the Act's definition of "species." Research is underway to clarify the taxonomic status of this plant. If information becomes available indicating that *C. elongata* should be considered a distinct taxon, the Service will reevaluate its status. The National Park Service has advised the Service that it is committed to conserving the populations of *C. elongata* by (1) not locating new trails or other recreational amenities in habitat areas of the plant; (2) developing policies and procedures to improve communication between resource managers, trail crews, and other maintenance personnel to prevent impacts to the plant from maintenance activities; (3) if necessary, rerouting trails to decrease visitor access and actual or potential impacts to the plant and its habitat, placing signs to encourage hikers to stay on trails, and prohibiting tethering of horses and trail animals; (4) improving visitor interpretation programs and staff and volunteer training materials to increase awareness of the potential adverse impacts of activities in fragile habitats; (5) conducting studies to determine the need for prescribed fire in maintaining the habitat for the plant, and until management needs are identified, protecting all known populations of the plant from fire; and (6) designing any revegetation or erosion control projects to avoid impacts to the plant and its habitat. In addition, seeds of *C. elongata* are being collected and transferred from known populations into seed banks or cultivation refugia. Therefore, the Service is removing *C. elongata* from candidate status.

Prior to 1995, *Dalea tentaculoides* (Gentry's indigobush) was known from a single site in the Sycamore Canyon drainage within the Coronado National Forest in Arizona. The species was considered to be threatened by erosion and sedimentation caused by the impacts of livestock grazing in the upper watershed, grazing by cattle entering the U.S. from Mexico through cut border fences, and natural events. Since 1995, two additional populations have been discovered, one in southern Arizona, and one in Mexico over 250 miles (402 kilometers) south of the U.S. border. The Sycamore Canyon site is located within a designated Wilderness Area and Research Natural Area. Although the upper watershed is not within the Wilderness Area and Research Natural Area, it is within designated critical habitat for the Sonoran chub (*Gila ditaenia*), a

threatened species. Institution of improved livestock grazing practices in the upper watershed through the section 7 consultation process for the Sonoran chub has lessened the threat of impacts to *D. tentaculoides* from erosion and sedimentation. There is no evidence that grazing by cattle entering the U.S. from Mexico has reduced the size of the Sycamore Canyon population. The discovery of two additional populations has reduced the threat that a natural event which could extirpate a population could cause extinction of the species. The available information indicates that the degree of the threats to *D. tentaculoides* does not warrant issuance of a proposed rule nor continuation of candidate status for this species.

Until 1995, *Astragalus oophorus* var. *clokeyanus* (Clokey's eggvetch) was believed to occur at only 13 sites in the Spring Mountains in Nevada. The taxon was considered to be threatened primarily by recreational activities at the U.S. Forest Service's Spring Mountains National Recreation Area, by military activities and feral horses at the Nellis Air Force Range, and by military and energy projects at the Department of Energy's Tonopah Test Range and Nevada Test Site. Since 1995, 15 additional populations have been discovered. Also, conservation actions and policies to protect *A. oophorus* var. *clokeyanus* on Forest Service, Air Force, and Department of Energy lands are now in place and are being implemented. Based on this information, continuation of candidate status for this taxon is not warranted.

Author

This notice was compiled from materials supplied by staff biologists located in the Service's regional and field offices. The materials were compiled by Martin J. Miller, Division of Endangered Species (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: March 30, 1998.

Jamie Rappaport Clark,

Director, U. S. Fish and Wildlife Service.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: New 12-month Finding for a Petition to List the Utah Wasatch Front and West Desert Populations of Spotted Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of new 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a new 12-month finding for a petition to list the Wasatch Front population (Utah) and West Desert population (Utah) of the spotted frog (*Rana luteiventris*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing these two distinct vertebrate populations of spotted frog is not warranted at this time. This finding supersedes the previous 12-month petition finding that found the listing of these two populations to be warranted but precluded by higher priority listing actions. Prior and subsequent to publication of the warranted but precluded finding, the State of Utah and other cooperating agencies began implementing significant recovery actions to reduce or remove species' threats. More recently the State of Utah and other agencies developed the Spotted Frog Conservation Agreement to ensure that additional conservation measures and recovery actions needed for the frog's continued existence and recovery are initiated and carried out. The Service finds that a mechanism has been put in place that sufficiently protects the Wasatch Front and West Desert populations of spotted frog and that ongoing actions, including those identified in the Conservation Agreement, have substantially reduced threats to the spotted frog populations in Utah such that they will not become endangered within the foreseeable future and, therefore, do not warrant listing pursuant to the Act at this time.

DATES: The finding announced in this document was made on March 27, 1998.

ADDRESSES: Data, information, comments, or questions concerning this notice should be sent to the Field Supervisor, Utah Field Office, Ecological Services, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The complete administrative file for this

finding is available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Janet A. Mizzi, Fish and Wildlife Biologist, Utah Field Office (see ADDRESSES above), telephone (801) 524-5001.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species 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 is: (a) Not warranted; (b) warranted; or (c) warranted but precluded from immediate proposal by other pending listing proposals of higher priority.

On May 1, 1989, the Service received a petition from the Board of Directors of the Utah Nature Study Society requesting the Service add the spotted frog (then referred to as *Rana pretiosa*) to the List of Threatened and Endangered Species and to specifically consider the status of the Wasatch, Utah, population. The Service subsequently published a notice of a 90-day finding in the **Federal Register** (54 FR 42529) on October 17, 1989, and a notice of the 12-month petition finding in the **Federal Register** (58 FR 27260) on May 7, 1993. In the 12-month petition finding the Service found that listing of the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions. The Service found, based on geographic and climatic separation and supported by genetic separation, five distinct vertebrate populations of spotted frog. Listing of both the populations occurring in Utah, the Wasatch Front and West Desert populations, was found to be warranted but precluded and both populations were designated as candidates for listing. The Wasatch Front population was assigned a listing priority number of 3 because the magnitude of the threats were high and imminent, while the West Desert population was assigned a listing priority of 9 because of moderate to low threats.

The spotted frog belongs to the family of true frogs, the Ranidae. Adult frogs have large, dark spots on their backs and pigmentation on their abdomens ranging from yellow to red (Turner 1957). Spotted frogs along the Wasatch Front generally possess a salmon color ventrally, while West Desert and Sanpete County, Utah, populations