

Dated: August 22, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98-24121 Filed 9-8-98; 8:45 am]

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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 Robust Blind Salamander, Widemouth Blindcat, and Toothless Blindcat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the robust blind salamander (*Typhlomolge robusta*), widemouth blindcat (*Satan eurystomus*), and toothless blindcat (*Trogloglanis pattersoni*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial information indicating that listing these species may be warranted. The Service will continue to maintain files on these species and is interested in receiving additional information on their status.

DATES: The finding announced in this document was made on August 21, 1998.

ADDRESSES: Send information, comments, or questions concerning this petition to the Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services Field Office, 10711 Burnet Road, Suite 200, Austin, Texas 78758. The petition finding, supporting information, and comments will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Lisa O'Donnell, Biologist, at the above address or telephone 512/490-0057.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (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 to demonstrate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made

within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service is also required to promptly commence a status review of the species, if one has not already been initiated under the Service's internal candidate assessment process.

On August 21, 1995, the Service received a petition to list the robust blind salamander, widemouth blindcat, and toothless blindcat as endangered. The petition, dated August 15, 1995, was submitted by Dr. Walter R. Courtney, on behalf of the American Society of Ichthyologists and Herpetologists. However, because the Service's listing program was unfunded from October 1, 1995, through April 26, 1996, the Service was precluded from making a timely 90-day finding on this petition.

As a result of the severe funding restraints for the Service's listing program in 1995 and 1996, the Service accumulated a substantial backlog of listing actions, including petition findings. In order to prioritize the order in which the Service would process this backlog of listing actions, the Service issued listing priority guidance for Fiscal Year 1996 (May 16, 1996; 61 FR 24722). That listing priority system placed petition findings in Tier 3, behind emergency listings (Tier 1), and final action on pending proposals (Tier 2). The Service issued listing priority guidance for Fiscal Year 1997 on December 5, 1996 (61 FR 64475) and extended it on October 23, 1997 (62 FR 55268). That guidance also placed petition findings in Tier 3. Under the listing priority systems for Fiscal Years 1996 and 1997, the Service's Southwest Region, assigned lead responsibility for listing actions in Texas, only recently began processing Tier 3 actions.

The Service is now operating under its Fiscal Years 1998 and 1999 listing priority guidance (May 8, 1998; 63 FR 25502). Under this guidance, processing of petition findings was placed in Tier 2. The Service's Southwest Region is now processing Tier 2 actions under this current guidance.

The petition states that the three species are faced with habitat loss due to declining water quality and quantity in the Edwards aquifer and inadequacy of existing regulatory mechanisms and should be added to the list of Threatened and Endangered Wildlife. The Service has reviewed the petition and other available information and finds that there is not substantial information to indicate that listing the robust blind salamander, widemouth

blindcat, and toothless blindcat may be warranted.

The Service has been assessing these species since their designation as category 2 candidates in 1982 (47 FR 58454). Category 2 candidates, were defined as taxa for which the Service had information indicating that protection under the Act may be warranted but for which it lacked sufficient information on status and threats to support listing proposals. On February 28, 1996, the Service discontinued the designation of multiple categories of candidates (61 FR 7596), and only those taxa for which the Service has sufficient information to support issuance of listing proposals are now considered candidates (formerly category 1).

Although the Service concurs that many Edwards aquifer species face threats from increased groundwater withdrawals and groundwater contamination, uncertainties still exist regarding the taxonomic validity and distribution of the robust blind salamander and the distributions of and extent of threats to the toothless blindcat and widemouth blindcat. The petition presented no information to resolve these uncertainties. Therefore, the Service believes that the petition did not present substantial information indicating that listing may be warranted.

The sole remaining specimen of the robust blind salamander was obtained in 1951 from a well in the dry bed of the Blanco River northeast of San Marcos, Hays County, Texas (Russell 1976, Potter and Sweet 1981). No individuals have been observed since then, and the type locality was later filled with gravel and silt. The specimen, a mature female measuring 5.7 centimeters in length, was designated as the holotype. Based on morphological differences between this individual and the Texas blind salamander (*Typhlomolge rathbuni*), which it most closely resembles, the robust blind salamander was described as a distinct species (Potter and Sweet 1981). Primary differences from the Texas blind salamander include a longer, more robust body and slightly shorter, stouter limbs. However, because the description of the robust blind salamander was based solely on the morphological characteristics of a single specimen (Russell 1976; Potter and Sweet 1981), because the type locality of the robust blind salamander is close to the known range of the Texas blind salamander, and because the appearance of the robust blind salamander is similar to that of the Texas blind salamander, the Service believes that additional research is warranted to verify whether

or not the robust blind salamander is specifically distinct from the Texas blind salamander. Furthermore, since no salamanders resembling the description of the robust blind salamander have been observed since 1951, the current existence and distribution of this form, if valid, is unknown.

Both the toothless blindcat and the widemouth blindcat are recognized as distinct species and occur in the deep portions of the Edwards aquifer (over 300 meters below the surface) in Bexar County, Texas. A status report was prepared for both species in 1979 (Longley and Karnei 1979), which recommended additional sampling of artesian wells in Medina, Uvalde, and Kinney counties to determine the blindcats' ranges. This information is not updated in the petition, and the Service is unaware of any attempts to conduct further sampling efforts. Although the petition states that both blindcats have experienced population declines, no data were provided for the Service to evaluate. The petition also cites dewatering, intrusion from the saline water zone, direct mortality due to pumping from the aquifer, as well as contamination from human activities over the aquifer as threats, but provides no supporting documentation. Information regarding the distribution of the blindcats and documentation and assessment of threats to these species are needed.

As additional data become available, the Service will reassess the need for listing the robust blind salamander, widemouth blindcat, and toothless blindcat. Thus, the Service would appreciate any additional data, information, or comments from the public, government agencies, the scientific community, industry, or any other interested party concerning the status of these species. In particular, the Service needs additional information to determine (1) the taxonomic status of the robust blind salamander, whether or not it still exists, and, if it still exists, the extent of its distribution; (2) the distribution of the toothless and widemouth blindcats; and, (3) the threats to these species.

References Cited

- Longley, G. and H. Karnei. 1979. Status of *Trogloglanis pattersoni* Eigenmann, the toothless blindcat, and status of *Satan eurystomus* Hubbs and Bailey, the widemouth blindcat. Endangered Species Report, U.S. Fish and Wildlife Service, Albuquerque, NM.
- Potter, F.E. and S.S. Sweet. 1981. Generic boundaries in Texas cave salamanders, and a redescription of *Typhlomolge robusta* (Amphibia: Plethodontidae). *Copeia* 1:64-75.
- Russell, W.H. 1976. Distribution of troglobitic salamanders in the San Marcos area, Hays County, Texas. Unpubl. Report 7601, Texas Association for Biological Investigations of Troglobitic *Eurycea*. University of Texas Station, Austin, TX. 35 pp.

Author. The primary author of this document is Lisa O'Donnell, Austin Ecological Services Field Office (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: August 21, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 061998C]

Fisheries of the Northeastern United States; Petition for Rulemaking for Rotational Opening of Georges Bank Closed Areas for Scallop Fishing; Reopening of Comment Period

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of receipt of petition for rulemaking; reopening of comment period.

SUMMARY: NMFS announces that it is reopening the public comment period for the petition for rulemaking requesting that sea scallop harvest be allowed on a rotational basis in areas of Georges Bank that are currently closed to all vessels capable of catching groundfish.

DATES: Written comments will be accepted through October 9, 1998.

ADDRESSES: Comments on the petition should be directed to Dr. Gary C. Matlock, Office of Sustainable Fisheries, NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Copies of the petition for rulemaking are available upon request from the same address.

FOR FURTHER INFORMATION CONTACT: Mark R. Millikin, 301-713-2341.

SUPPLEMENTARY INFORMATION: As a result of requests received from the Conservation Law Foundation, Rockland, Maine, in a letter dated August 14, 1998, from David E. Frulla, of Brand, Lowell, and Ryan (the Petitioner), in a letter dated August 25, 1998, and from the Environmental Defense Fund in a letter dated August 31, 1998, NMFS is reopening the comment period for the petition for rulemaking, which closed August 31, 1998. The notice of receipt of petition for rulemaking was published in the **Federal Register** on June 30, 1998 (63 FR 35560). The Conservation Law Foundation advised NMFS that it needs more time to investigate issues that were raised at an August 11, 1998, meeting of the New England Fishery Management Council regarding the details of an experimental fishery. The experimental fishery was requested by Brian Rothschild of the Center for Marine Science and Technology of the University of Massachusetts, Dartmouth (CMASST), and is mapping sea scallop distribution and abundance, as well as bycatch of other protected species (particularly groundfish) in Closed Area II. The Petitioner requests an extension of the comment period for its petition so that the information obtained from the sampling of the CMASST experimental fishery can be included in the decisional record and analyzed prior to NMFS's decision on its request for rulemaking. The Environmental Defense Fund requested a reopening of the comment period to allow additional time for persons who were either traveling or otherwise unavailable during August to submit comments on the petition. Because of these requests, NMFS is reopening the public comment period for the petition for rulemaking for an additional 30 days effective September 9, 1998, through October 9, 1998.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: September 2, 1998.

Bruce Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

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