

bears depend (Department of the Air Force 1993). This management is expected to be compatible with the continued existence of bears, although the limited bear population size may require augmentation in the future.

The USDA Forest Service Land and Resource Management Plan (Plan) for National Forests in Florida, covering lands which make up most core bear conservation lands, is expected to be compatible with the continued maintenance of bears at current levels (U.S. Forest Service 1998). The main land management practices in the Plan are prescribed burning and timber management. One of the Plan's goals is to maintain or restore ecosystem composition, structure, and function within the natural range of variability. Meeting this goal should ensure that silvicultural practices are compatible with maintaining bears on the National Forests. Specific management activities include thinning of young pine plantations, initiation of uneven-aged management, and sand pine clearcuts. Hardwoods will be left to supply mast (nuts and fruits of forest trees). Prescribed fire will emphasize growing-season burns. These measures are predicted to increase forage and acorn availability for bears. Most road activity is expected to be maintenance and reconstruction of existing Forest Service roads. Cross-country travel will be limited to pedestrians and horse riders.

The Big Cypress National Preserve management goals are to preserve the watershed and its natural flora and fauna, through prescribed burning, the control of exotic plants, and the restoration of hydrology (National Park Service 1991). This management is expected to be compatible with the continued existence of the bear.

On National Wildlife Refuges, management goals include ecosystem management for the maintenance of diverse natural habitats for a variety of wildlife. The forestry and burning practices plans of Okefenokee and Florida Panther NWRs are expected to continue providing good bear habitat into the foreseeable future.

Based on projected compatible habitat management for bears on core habitat areas, these lands are predicted to continue providing secure bear habitat into the foreseeable future.

The Florida black bear, in comparison to bears not federally protected in other parts of the southeast, is similar in population size and total secure habitat. The recovery criteria for the federally threatened Louisiana black bear (*Ursus americanus luteolus*) (U.S. Fish and Wildlife Service 1995) calls for two viable subpopulations linked by a

corridor, with long-term protection of the habitat. In contrast, the Florida black bear currently has four stable populations on conservation lands that have long-term protection.

#### Finding

We have reviewed the petition, 1998 status review, available literature, and other information. After reviewing the best scientific and commercial information available, we conclude that the continued existence of the Florida black bear is not threatened by any of the five factors alone or in combination. We find, therefore, that the Florida black bear is not endangered nor likely to become endangered within the foreseeable future throughout all or a significant portion of its range and that listing as threatened or endangered is not warranted.

#### References Cited

A complete list of all references cited herein is available from the Jacksonville Field Office (see **FOR FURTHER INFORMATION** section).

Author: The primary author of this notice is Dr. Michael M. Bentzien (for address and phone number, see **FOR FURTHER INFORMATION** section).

#### Authority

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

Dated: November 25, 1998.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 98-32547 Filed 12-7-98; 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 Delist the Squirrel Chimney Cave Shrimp

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

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

**SUMMARY:** The Fish and Wildlife Service announces a 90-day finding for a petition to delist the Squirrel Chimney cave shrimp (*Palaemonetes cummingsi*) under the Endangered Species Act of 1973, as amended. We find that the petition does not present substantial scientific or commercial information indicating that delisting this Florida

species due to extinction may be warranted.

**DATES:** The finding announced in this document was made on November 25, 1998.

**ADDRESSES:** Those having questions, comments, or information concerning this petition may send them to the Field Supervisor, 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 inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Mr. John F. Milio at the above address or 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 we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information demonstrating that the petitioned action may be warranted. To the maximum extent practicable, we will make the finding within 90 days of receipt of the petition, and promptly publish the finding in the **Federal Register**. Following a positive finding, we must promptly commence a status review of the species.

The processing of this petition conforms with our current listing priority guidance for fiscal years 1998 and 1999, published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance gives highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this petition is a Tier 2 action.

The Florida Game and Fresh Water Fish Commission (GFC) submitted the petition, dated August 5, 1997, which we received on August 8, 1997. We have made a 90-day finding on this petition to delist the Squirrel Chimney cave shrimp, *Palaemonetes cummingsi*.

*Palaemonetes cummingi* is a very rare species, with no more than a dozen collections (Chace 1954, Dobkin 1971, Franz 1994b) recorded between its discovery in 1953 (Chace 1954) and last observation in 1973 (Franz 1994b). All collections and observations occurred at Squirrel Chimney Cave (Franz 1994a). Squirrel Chimney Cave is a partially water-filled, solution cavity located on private land near Gainesville, Alachua County, Florida (Franz 1994a). Surveys to confirm the species continued existence at Squirrel Chimney Cave (Morris and Butt 1992, Franz 1994b) and to locate specimens at other nearby underground sites (Franz et al. 1994) were unsuccessful. We listed *P. cummingi* as a threatened species on June 21, 1990 (55 FR 25588).

The petition contends that the failure to locate the species during a two-year (1994–1996) status survey, supports its removal from the List of Endangered and Threatened Wildlife. The status survey included Squirrel Chimney and four additional underground aquatic sites (Doonan 1997). Except for a 2.5 meter (8 foot) drop in water level, physical conditions at Squirrel Chimney remained relatively unchanged since Hobbs (1942) discovered the site in the early 1940's. Chemical analysis of water samples revealed good overall water quality. The survey confirmed the continued presence of redeye chub (*Notropis harperi*) in Squirrel Chimney Cave. Morris and Butt (1992) first documented this small, predatory fish within that locality. Its presence may be the result of a natural colonization through underwater passageways linked to other underground sites. Since the chub is capable in lab situations of eating other crustacea the size of *Palaemonetes cummingi* larvae (L. Straub, U.S. Geological Survey, Biological Resources Division, pers. comm., 1997, in Doonan 1997), the survey report suggested that this fish may be responsible for the apparent absence of the shrimp from Squirrel Chimney Cave. Based on survey results and analyses, the GFC report indicated that *P. cummingi* may be extinct. The GFC acknowledges that this assessment is not conclusive, because it only surveyed a small percentage of potential habitat and it omitted two high priority sites from its survey.

We have reviewed the petition, its supporting information, information in our files, other available literature, and consulted with species and habitat experts. Using the best scientific and commercial information available, we find that the petition does not present substantial information indicating that

delisting this species due to extinction may be warranted.

We base our finding on the inadequacy of existing information on the Squirrel Chimney cave shrimp and its habitat. The GFC status survey does not include a number of underground sites the GFC rated as ecologically similar to and within about 8 kilometers (5 miles) of Squirrel Chimney. These sites are part of the Newberry Limestone Plain and characteristic of the karst (limestone) topography of that area (Williams et al. 1977). Connections among underground features occur frequently in karst topography (Doonan 1997). The emergence of redeye chub in Squirrel Chimney and its presence at other nearby underground sites suggest that fissures found at Squirrel Chimney actually may represent underwater connections to those other sites (Doonan 1997). Such passageways may shelter Squirrel Chimney cave shrimp and also provide for their dispersal. In addition, the extreme rarity of *P. cummingi* and lack of life history information suggest that its detection requires extensive sampling (N. Burkhead, U.S. Geological Survey, in litt. 1997). We believe the number of visual and trap samples taken during the GFC survey at sites other than Squirrel Chimney were too small to provide an accurate assessment of the species' status at those sites.

We continue to seek new information on the Squirrel Chimney cave shrimp's biology, ecology, distribution, and habitat, as well as threats to its survival. Such information will enable us to work with the GFC to correctly assess the species' status and make the best recommendations and decisions regarding its conservation, recovery, and possible reclassification. We encourage interested parties to send any comments, data, or other information involving *P. cummingi* and its habitat to our Jacksonville Field Office listed in the ADDRESSES section of this notice.

#### References Cited

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Author: The primary author of this document is 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: November 25, 1998.

**Jamie Rappaport Clark,**

Director, Fish and Wildlife Service.

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## DEPARTMENT OF INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 20

RIN 1018–AE38

#### Migratory Bird Hunting; Temporary Conditional Approval of Tungsten-Matrix Shot as Nontoxic for the 1998–99 Season

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

**ACTION:** Final rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) amends Section 20.21(j) to grant temporary conditional approval of tungsten-matrix shot as nontoxic for the 1998–99 migratory bird hunting season only, except in the Yukon-Kuskokwim (Y–K) Delta, Alaska, while chronic toxicity/reproductive testing is being completed. Tungsten-matrix shot has been submitted for consideration as nontoxic by Kent