

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
*	*	*	*	*	*		*
Pupfish, Pecos .....	<i>Cyprinodon pecosensis.</i>	USA (NM, TX) .....	Entire .....	E	.....	NA	NA
*	*	*	*	*	*		*

Dated: January 21, 1998.

**Jamie Rappaport Clark,**

Director, Fish and Wildlife Service.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 23

#### Request for Information and Recommendations on Species to Consider for Changes to the CITES Appendices

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

**ACTION:** Request for information.

**SUMMARY:** This notice solicits recommendations for amending Appendices I or II of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). The U.S. Fish and Wildlife Service invites information and comment from the public on animal or plant species that should be considered as candidates for U.S. proposals to amend Appendices I or II. Such amendments may concern the addition of species to Appendix I or II, the transfer of species from one Appendix to another, or the removal of species from Appendix I or II.

**DATES:** The Service will consider all information and comments received by March 31, 1998.

**ADDRESSES:** Correspondence concerning this request pertaining to species amendments should be sent to Chief, Office of Scientific Authority; U.S. Fish and Wildlife Service; 4401 North Fairfax Drive, Room 750; Arlington, Virginia 22203. Comments and materials received will be available for public inspection by appointment from 8 a.m. to 4 p.m., Monday through Friday, at the Office of Scientific Authority.

**FOR FURTHER INFORMATION CONTACT:** Dr. Susan Lieberman, Acting Chief, Office of Scientific Authority, phone 703-358-1708, fax 703-358-2276, e-mail susan\_lieberman@fws.gov.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Convention on International Trade in Endangered Species of Wild Fauna and Flora, TIAS 8249 (hereinafter referred to as CITES or the Convention), is an international treaty designed to control and regulate international trade in certain animal and plant species that are now or potentially may be threatened with extinction. These species are listed in Appendices to CITES, copies of which are available from the Office of Scientific Authority at the above address or from the Service's World Wide Web site <http://www.fws.gov/r9dia/applinks.html>. Currently 143 countries, including the United States, are Parties to the Convention. CITES calls for biennial meetings of the Conference of the Parties, which review its implementation, make provisions enabling the CITES Secretariat in Switzerland to carry out its functions, consider amendments to the list of species in Appendices I and II, consider reports presented by the Secretariat, and make recommendations for the improved effectiveness of CITES. Any country that is a Party to CITES may propose amendments to Appendices I and II for consideration by the other Parties.

This is the first in a series of **Federal Register** notices which, together with announced public meetings, provide an opportunity for the public to participate in the development of the United States' negotiating positions for the eleventh regular meeting of the Conference of the Parties to CITES (COP11). The Service's regulations governing this public process are found in 50 CFR 23.31-23.39.

The Service expects the eleventh meeting of the Conference of the Parties to be held in November 1999, in Indonesia.

##### Request for Information and Comments

One of the purposes of this notice is to solicit information that will help the Service identify species that are candidates for addition, removal, or

reclassification in the CITES Appendices or to identify issues warranting attention by the CITES Nomenclature Committee. This request is not limited to species occurring in the United States. Although U.S. proposals submitted for recent Conferences of the Parties have focused on species native to the United States, any Party may submit proposals concerning animal or plant species occurring in the wild anywhere in the world. The Service encourages the submission of information on species for possible inclusion in the Appendices if these species are subject to international trade that may be detrimentally impacting the status of the species. Complete proposals are not being requested at this time, but rather we are asking interested persons to submit convincing information describing: (1) The status of the species, especially trend information; (2) conservation and management programs for the species, including the effectiveness of enforcement efforts; and (3) the level of domestic as well as international trade in the species, especially trend information. Any other relevant information can also be provided.

The term "species" is defined in CITES as "any species, sub-species, or geographically separate population thereof." Each species for which trade is controlled is included in one of three Appendices, either as a separate listing or incorporated within the listing of a higher taxon. The basic standards for inclusion of species in the Appendices are contained in Article II of CITES. Appendix I includes species threatened with extinction that are or may be affected by trade. Appendix II includes species which, although not necessarily now threatened with extinction, may become so unless trade in them is strictly controlled.

Appendix II also lists species that must be subject to regulation in order that trade in those currently and potentially threatened species may be brought under effective control. Such listings frequently are required because of difficulty in distinguishing specimens of currently or potentially threatened

species from other species at ports of entry. Appendix III includes species that any Party country identifies as being subject to regulation within its jurisdiction for purposes of preventing or restricting exploitation and for which it needs the cooperation of other Parties to control trade. The present notice concerns only Appendices I and II.

CITES specifies that international trade in any readily recognizable part or derivative of animals listed in Appendix I or II, or plants listed in Appendix I, is subject to the same conditions that apply to trade in the whole organism. With certain standard exclusions formally approved by the Parties, the same applies to the readily recognizable parts and derivatives of most plant species listed in Appendix II. Parts and derivatives usually not included (i.e., not regulated) for Appendix II plants are: seeds, spores, pollen (including pollinia), and seedling or tissue cultures obtained *in vitro* and transported in sterile containers. Also see 50 CFR 23.23(d), and the October 6, 1995, **Federal Register** (60 FR 52450) and February 22, 1996, **Federal Register** (61 FR 6793) for further exceptions and limitations.

In 1994, the CITES Parties adopted new criteria for inclusion of species in Appendices I and II (in Resolution Conf. 9.24). These criteria apply to all future proposals and are available from the CITES Secretariat, the World Conservation Monitoring Centre's World Wide Web site, or upon request to the Office of Scientific Authority (see **ADDRESSES** section above). Resolution Conf. 9.24 also established a format for complete proposals.

However, for purpose of submitting information on species subject to international trade for possible listing in the Appendices, submitters of such information to the Service are asked to include as much of the following information as possible:

- (1) Scientific name and common name;
- (2) Population size estimates (including reference if available);
- (3) Population trend information;
- (4) Threats to species status (other than from trade);
- (5) Level/trend of international trade (as specific as possible but without a request for new searches of Service records);
- (6) Level/trend in total take from the wild (as specific as reasonable); and
- (7) Short summary statement clearly presenting the rationale for inclusion in or delisting from one of the Appendices.

Persons wishing to submit more complete proposals for the United States to consider, should consult Resol. Conf.

9.24 for the format for proposals and a detailed explanation of each of the categories. Proposals to transfer a species from Appendix I to Appendix II, or to remove a species from Appendix II, must be consistent with the precautionary measures described in Annex 4 of Resol. Conf. 9.24.

Persons having information and comments on species that are potential candidates for CITES proposals are urged to contact the Service's Office of Scientific Authority.

#### Species Being Considered

The Service is considering proposing to transfer the North American population of the gyrfalcon (*Falco rusticolus*) from Appendix I to Appendix II. The gyrfalcon is circumpolar in distribution, including arctic and subarctic regions of Alaska, Canada, Greenland, and Iceland. The Service is not aware of any evidence that the North American gyrfalcon population has ever been threatened due to habitat loss, nest robbing, or trade. European range States have expressed concern in the past about enforcement problems that could arise if the North American population of this bird were downlisted. However, husbandry techniques have been developed for breeding the species in captivity, and the trade in North American gyrfalcons would not appear to pose a significant threat to the European gyrfalcon populations.

The Service is also considering proposing to include the timber rattlesnake (*Crotalus horridus*) in Appendix II. The timber rattlesnake occurs in 27 of the States, from New Hampshire and Minnesota south to Texas and Florida, having been extirpated from Maine and Rhode Island. Populations of timber rattlesnakes have declined greatly over much of their range. They are listed as endangered in many northern States, but commercial utilization is occurring for the pet trade, and for meat and leather products.

Draft proposals on the North American population of the gyrfalcon and on the timber rattlesnake are available from the Office of Scientific Authority for review and comment. Additional information on biological status and trade levels is solicited.

Furthermore, the CITES Animals Committee as part of its responsibilities under Resolution Conf. 9.1 (Rev.) Annex 2 to conduct periodic reviews of the Appendices, has noted that the Sonoran green toad (*Bufo retiformis*) and the orange-throated whiptail lizard (*Cnemidophorus hyperythrus*) have not been reported to be in international

trade, and the United States and Mexico should consider proposing to remove them from the Appendices. Therefore the Service solicits biological and trade information on these two species.

At its November 1997 meeting, the CITES Plants Committee in accord with its responsibilities under Resolution Conf. 9.1 (Rev.) Annex 3, committed to conducting a review of all plant species or other taxa included in the Appendices before COP5 in 1985 (except for the higher-taxon listings of cycads, and the family listings of tree ferns, orchids, and cacti in Appendix II [which are supported by Resol. Conf. 9.18 (Rev.)]), and will seek to assess whether the rest of the taxa are appropriately listed on the basis of the criteria in Resol. Conf. 9.24 (adopted in 1994). In addition, the Parties at COP10 agreed to a review of all the timber tree species (see Decision 10.87). As part of the general review process, the Secretariat on December 19, 1997, in Notification No. 1009 advised the Parties that range States for the taxa under review may be contacted by coordinators mentioned therein for information and advice with regard to the assessment. The Secretariat, in consultation with the Chair of the Plants Committee (who is the general coordinator for the whole review), will extract a base of information on the tree species from a report due by April 1998 and send it to the range States and relevant organizations, asking for their opinions (and the extracted summaries will be available from the Service on request). Preferably using the categories in Resol. Conf. 9.24, the Service would appreciate receiving comments by the date due (see **DATES** section above) (including any additional comments soon after receiving the tree species synopses), on status or trade regarding those plant species or other taxa native to the United States and included in the CITES Appendices through 1983 (COP4) and the other native tree species, and is particularly interested in information that might warrant a change for any separately listed species or subspecies.

Finally, the Service notes that it is discussing with State wildlife agency representatives the appropriateness of listing some native species in Appendix III. This possibility includes some species originally proposed for inclusion in Appendix II in June 1997 at COP10, which is the most recent regular meeting of the Conference of the Parties. Any preliminary decisions to include species in Appendix III would be announced and comments solicited in a **Federal Register** notice. Furthermore, any proposal to include species in Appendix III would be made

following the procedure outlined in Resol. Conf. 9.25 (copies available on request).

#### Future Actions

The next regular meeting of the Conference of the Parties (COP11) is expected to be held in November 1999 in Indonesia, and a tentative U.S. schedule has been developed to prepare for that meeting. Any proposals to amend Appendix I or II must be submitted by the United States to the CITES Secretariat 150 days prior to the start of COP11 (i.e., in June 1999). In order to fully accommodate the schedule's deadlines, the Service plans to expand its discussions with the States comprising the United States. Therefore, the Service is initiating this request for status and trade information on species earlier than in past years, because it is seeking greater involvement of the State wildlife agencies in the review process. Thus, after this initial request for species to consider, the State animal and plant conservation agencies will be asked for specific status and management information on those native species that are being considered. After review of any information received, the Service may make some preliminary decisions and may seek assistance in developing more complete proposals during the summer and fall of 1998.

The Service intends to publish a **Federal Register** notice in December 1998 to announce tentative species proposals to be submitted by the United States and to solicit further information and comments on them, as well as providing summary comment on information provided in response to this notice. In January 1999, a public meeting will be held to allow for additional input. All CITES Parties within the geographic range of species proposed for amendments to the Appendices will be consulted by March 1999, so that final proposals will have the benefit of their consideration and comments, in accord with Resol. Conf. 8.21. Another **Federal Register** notice in about June 1999 will announce the Service's final decisions and those species proposals submitted by the United States to the CITES Secretariat. The deadline for submission of the proposals to the Secretariat is expected to be in June 1999, as COP11 is currently being planned to take place in November 1999.

Through a series of additional notices in advance of COP11, the Service will solicit recommendations for possible agenda items and resolutions designed to improve the implementation of the Convention, inform the public about preliminary and final negotiating

positions on resolutions and amendments to the Appendices proposed by other Parties for consideration at COP11, and explain how observer status is obtained for non-governmental organizations that plan to attend. The Service will also publish announcements of public meetings expected to be held in January 1999 and August 1999, to receive public input on its positions regarding COP11 issues.

Authors: This notice was prepared by Dr. Charles W. Dane and Dr. Bruce MacBryde, Office of Scientific Authority, under the authority of the U.S. Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*, 87 Stat. 884, as amended).

#### List of Subjects in 50 CFR Part 23

Endangered and threatened species, Exports, Imports, and Treaties.

Dated: January 23, 1998.

**Jamie Rappaport Clark,**

Director.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 226

[Docket No. 971230317-7317-01; I.D. No. 120197A]

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding on Petition To Revise Critical Habitat for Snake River Spring/Summer Chinook Salmon

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

**ACTION:** Notice of determination.

**SUMMARY:** NMFS announces a 12-month determination of how it intends to proceed on a petition to revise critical habitat for Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*), pursuant to the Endangered Species Act (ESA) of 1973. After a review of the best available scientific information, NMFS determines the petitioned action is not warranted.

**DATES:** The determination announced in this notice was signed on January 26, 1998.

**ADDRESSES:** Requests for information concerning this action should be submitted to Chief, Protected Resources Division, NMFS, 525 NE Oregon Street, Suite 500, Portland, OR 97232; internet (jim.lynn@noaa.gov).

#### FOR FURTHER INFORMATION CONTACT:

Garth Griffin, Protected Resources Division, Northwest Region, (503) 231-2005 or Joe Blum, Office of Protected Resources, (301) 713-1401.

#### SUPPLEMENTARY INFORMATION:

##### Background

On June 27, 1991, NMFS proposed the listing of Snake River spring/summer chinook salmon as a threatened species under the Endangered Species Act (ESA) (56 FR 29542). The final determination listing Snake River spring/summer chinook salmon as a threatened species was published on April 22, 1992 (57 FR 14653) and corrected on June 3, 1992 (57 FR 23458). Critical habitat was designated on December 28, 1993 (58 FR 68543). In the December 28, 1993 notice, NMFS designated all river reaches presently or historically accessible to listed spring/summer chinook salmon (except river reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) in various hydrologic units as critical habitat (58 FR 68543). Napias Creek, the area in question, occurs within one of these designated hydrologic units (Middle Salmon-Panther, USGS Hydrologic Unit 17060203).

On January 6, 1997, the Secretary of Commerce (Secretary) received a petition from Meridian Gold Company (Meridian) to revise critical habitat for Snake River spring/summer chinook salmon in Napias Creek, a tributary to the Salmon River, located near Salmon, Idaho. In accordance with section 4(b)(3)(D) of the ESA, NMFS issued a determination on April 28, 1997, that the petition presented substantial scientific information indicating that a revision may be warranted (62 FR 22903). In that notice of finding, NMFS solicited information and comments from interested parties concerning the petitioned action (62 FR 22903). The comment period on the petitioned action closed on June 27, 1997 (62 FR 22903).

On June 23, 1997, NMFS received a request from Meridian requesting NMFS to extend the deadline for new information and comments until September 15, 1997. In its request for extension, Meridian stated that additional time was needed to complete studies to support the petitioned action. By a letter dated July 16, 1997, NMFS declined to extend the official comment period for the petitioned action. In this letter, NMFS concluded that an extension was not warranted since the original comment period was 30 days