

Powell, R. A. and W. J. Zielinski. 1994. Fisher. In: Ruggiero, L. F., K. B. Aubry, S. W. Buskirk, L. J. Lyon, and W. J. Zielinski, eds.; *The Scientific Basis for Conserving Forest Carnivores in the Western United States: American Marten, Fisher, Lynx, and Wolverine*. USDA Forest Service, General Technical Report RM-254; pp 38-73.

Author: The primary author of this document is Leslie Propp, Western Washington Office (see ADDRESSES section).

Authority

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

Dated: November 22, 1995.

John G. Rogers,

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

[FR Doc. 96-4803 Filed 2-29-96; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 12-Month Finding for a Petition To List the Amargosa Toad (*Bufo nelsoni*) as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 12-month finding on a petition to list the Amargosa toad (*Bufo nelsoni*) as an endangered species under the Endangered Species Act of 1973, as amended (Act). After review of all available scientific and commercial information concerning the status of the species, the Service finds that listing of the Amargosa toad is not warranted.

DATES: The finding announced in this document was made on November 9, 1995.

ADDRESSES: Data, information, comments, or questions concerning this notice should be submitted to the State Supervisor, U.S. Fish and Wildlife Service, Nevada State Office, 4600 Kietzke Lane, Building C-125, Reno, Nevada 89502. The petition, findings, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT:

Donna Withers, Staff Biologist, at the above address, or telephone (702) 784-5227.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial scientific or commercial information, a finding be made within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals. Such 12-month findings are to be published promptly in the Federal Register.

On September 21, 1994, the Service received a petition dated September 19, 1994, to emergency list the Amargosa toad (*Bufo nelsoni*) as an endangered species. The Service's finding that substantial information existed indicating the petitioned action may be warranted was published in the Federal Register on March 17, 1995 (60 FR 15280). A status review was initiated at that time.

The Amargosa toad has been identified as either a category 1 or category 2 species under the Act, since December 30, 1982 (47 FR 58454; 50 FR 37958; 59 FR 58982). The Amargosa toad was a category 1 candidate species with a listing priority of 2 at the time the petition was received by the Service. On July 26, 1995, the Service recommended removal of the Amargosa toad from category 1 candidate status based on information obtained during the 1995 status review. The information suggested that the Amargosa toad is more widespread and abundant within the Oasis Valley than previous reports indicated. However, additional information is necessary to adequately determine the status of the species, and conservation efforts have been initiated to remove identified threats.

The Amargosa toad is unique to riparian habitats associated with the Amargosa River, tributary springs of the Amargosa River in Oasis Valley and isolated spring systems near Beatty, Nye County, Nevada. The petition stated that the Amargosa toad was restricted to seven sites within Oasis Valley, and two isolated spring systems, and that these sites are impacted by livestock and feral burro grazing, water diversion, flood control activities, off-road vehicle use, and nonnative species introductions. The petition stated that the Amargosa toad had declined from thousands in 1958 to only 30 individuals in 1994.

Amargosa toads were first collected in 1891 from an unidentified location in

Oasis Valley (Stejneger 1893). Between 1931 and 1981, Amargosa toads were observed at only three sites within Oasis Valley and at one isolated spring system, despite intensive searches (Linsdale 1940, Savage 1959, Altig 1981, Altig and Dodd 1987). Thousands of Amargosa toads were observed in June 1958 (Savage 1959). The Amargosa toad was considered severely restricted in distribution and threatened by habitat destruction by 1981 (Altig 1981).

During a 1983 survey, Amargosa toads were observed at 11 sites within Oasis Valley and two isolated spring systems, and assumed present at 14 additional sites, based on statements from area residents and suitability of habitat, even though toads were not observed (Maciolek 1983a, 1983b). Amargosa toad, though restricted to the Oasis Valley and vicinity, was considered well distributed and abundant in 1983 (Maciolek 1983b).

Amargosa toad surveys have been conducted at 20 sites since 1990, but not all sites were visited during each survey or with equal frequency (Hoff 1993, 1994a, 1994b; Clemmer 1995; Heinrich 1995). Available data from the sites surveyed since 1990 suggests that Amargosa toads have been extirpated from one spring and are not as abundant as in previous years at four other springs (Savage 1959; Altig 1981; Maciolek 1983a, 1983b; Hoff 1993; Hoff 1994a, 1994b; Clemmer 1995; Heinrich 1995). At the other 15 sites, however, observations of Amargosa toad adults, juveniles, tadpoles, and eggs have fluctuated but remained relatively constant, and the occurrence of eggs or tadpoles at sites where no adults were observed implies the presence of adults.

Estimates of the size of the adult population of Amargosa toads during 1993 and 1994 vary from 30 toads for each year to 130 and 85 toads for the 2 years, respectively (Hoff 1994a, 1994b; Heinrich 1995). Both estimates were based on direct observations of Amargosa toad adults, juveniles, tadpoles, and egg masses at the same ten sites. The disparity between these estimates may be due to the difficulty inherent in adequately surveying for Amargosa toads.

The available information does not support the petitioner's claim that the Amargosa toad population is severely restricted in both abundance and distribution. Comprehensive Amargosa toad status information is unavailable because not all historically identified habitats have been surveyed since 1983. Information from Oasis Valley residents suggests that Amargosa toads still occupy springs on several private properties not surveyed in recent years.

A comprehensive evaluation of the status and distribution of Amargosa toad will only be possible when additional surveys are conducted in potential amphibian habitat with Oasis Valley.

Habitats occupied by Amargosa toads are subject to various natural and human-induced modifications resulting from flooding, flood-control and restoration activities, nonnative species introductions, livestock and feral burro grazing, off-road vehicle use, and release of pollutants (Altig 1981, Maciolek 1983a, Hoff 1994b). The information on the release of pollutants is anecdotal. Voluntary conservation activities have been recently initiated to address these threats to Amargosa toads and their habitats. These activities will provide a sound foundation for appropriate management of Amargosa toad habitats. The petitioner acknowledged the existence of these conservation activities, but questioned their effectiveness. The conservation activities initiated to date have only been in place a short time, and additional time is necessary for the benefits of these actions to be realized.

The Nevada Division of Wildlife (NDOW) and Nevada Natural Heritage Program have conducted status surveys and undertaken conservation activities, including initiation of cooperative agreements with involved agencies and local governments and conservation agreements with private landowners. The Bureau of Land Management (BLM) actively manages the public lands occupied by Amargosa toad for the conservation of the species. BLM has restricted off-road vehicle use in or near Amargosa toad habitat, constructed enclosure fences to eliminate damage to riparian habitats from feral burro and livestock use, proposed all occupied habitats as Areas of Critical Environmental Concern, and initiated a cadastral survey of the Amargosa River in Oasis Valley to establish property boundaries. The Nature Conservancy (TNC) has been working with the Beatty Beautification Committee toward development of a park along the Amargosa River or a pond area which would provide recreational opportunities for the residents, and attract tourists, as well as create or conserve Amargosa toad habitat. TNC is currently negotiating the purchase of two private properties that contain Amargosa toad habitat. The Nye County Department of Public Works has agreed to notify NDOW prior to any activity within the Amargosa River channel to avoid impacts to the Amargosa toad. Owners of two private properties with Amargosa toad habitat on their land have initiated conservation activities.

After reviewing all scientific and commercial information available, the Service has determined that listing the Amargosa toad is not warranted at this time. This decision is based on information contained in the petition, received during the status review, and otherwise available to the Service at the time the 12-month finding was made, which indicates that the Amargosa toad is more widespread and abundant within the Oasis Valley than stated in the petition. In addition, conservation efforts have been initiated to remove identified threats. The Service recognizes the need to monitor the species' status to determine Amargosa toad population trends and measure the effectiveness of the conservation measures.

References Cited

A list of references cited is available from the Nevada State Office (see **ADDRESSES** section above).

Author: The primary author of this document is Donna Withers (see **ADDRESSES** section above).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 531 *et seq.*).

Dated: November 9, 1995.
Mollie H. Beatty,
Director, Fish and Wildlife Service.
[FR Doc. 96-4804 Filed 2-29-96; 8:45 am]
BILLING CODE 4310-55-M

50 CFR Part 23

Request for Species Amendments and Resolutions for Consideration at the Tenth Regular Meeting of the Conference of the Parties to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice; request for information.

SUMMARY: The Fish and Wildlife Service (Service) announces the time and place of the tenth regular meeting of the Conference of the Parties (COP10) to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). This notice solicits recommendations for amending CITES Appendices I or II and solicits suggestions for resolutions and agenda items for discussion at COP10. The 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. This notice also invites information and comments from the public on possible resolutions and agenda items for discussion at COP10.

DATES: The Service will consider all information and comments received by April 30, 1996.

ADDRESSES: Correspondence concerning this request pertaining to species amendments should be sent to the Office of Scientific Authority; Room 750; U.S. Fish and Wildlife Service, 4401 North Fairfax Drive; Arlington, Virginia, 22203. Correspondence concerning this request pertaining to resolutions and agenda items should be sent to the Office of Management Authority, Room 420, at the same address. 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 or Management Authority.

FOR FURTHER INFORMATION CONTACT: Dr. Marshall A. Howe, Office of Scientific Authority, phone 703/358-1708, fax 703/358-2276, e-mail marshall_howe@mail.fws.gov; or Dr. Susan S. Lieberman, Office of Management Authority, phone 703/358-2095, fax 703/358-2280, e-mail susan_lieberman@mail.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, is an international treaty designed to control and regulate international trade in certain animal and plant species that now or potentially are threatened with extinction. These species are listed in appendices to CITES, copies of which are available from the Office of Management Authority or Office of Scientific Authority at the **ADDRESSES**, above. Currently, 130 countries, including the United States, are CITES Parties. 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