

Management and Budget under Executive Order 12866.

**References Cited**

A complete list of all the references cited herein, as well as others, is available upon request from the Fairbanks Ecological Services Field Office (see ADDRESSES section).

Authors: The primary author of this document is Ted Swem (see ADDRESSES section). Lori Quakenbush, U.S. Fish and Wildlife Service, contributed data and editorial assistance. Bill Larned and Rod King, U.S. Fish and Wildlife Service, contributed survey data.

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

**Regulation Promulgation**

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under BIRDS, to the List of Endangered and Threatened Wildlife, to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* BIRDS	*	*	*	*	*		*
Eider, Steller's .....	<i>Polysticta stelleri</i> ..	U.S.A. (AK), Russia.	U.S.A. (AK breeding population only)	T	616	NA	NA
*	*	*	*	*	*		*

Dated: March 21, 1997.  
**John G. Rogers,**  
Acting Director, Fish and Wildlife Service.  
[FR Doc. 97–15244 Filed 6–10–97; 8:45 am]  
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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 17**

RIN 1018–AD52

**Endangered and Threatened Wildlife and Plants; Threatened Status for the Guajón**

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

**ACTION:** Final rule.

**SUMMARY:** The Fish and Wildlife Service (Service) determines the guajón (*Eleutherodactylus cooki*) to be a threatened species pursuant to the Endangered Species Act (Act) of 1973, as amended. The guajón is endemic to Puerto Rico and is restricted to the Pandura mountain range in the southeastern part of the island. It is threatened in this area by agricultural, rural, and industrial development and the associated infrastructure. This final rule will implement the Federal protection and recovery provisions afforded by the Act for *E. cooki*.

**EFFECTIVE DATE:** July 11, 1997.

**ADDRESSES:** The complete file for this rule is available for inspection, by appointment, during normal business hours at the Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622, and at the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345.

**FOR FURTHER INFORMATION CONTACT:** Ms. Susan Silander at the Caribbean Field Office address (787/851–7297) or Ms. Gloria Bell at the Atlanta Regional Office address (404/679–7100).

**SUPPLEMENTARY INFORMATION:**

**Background**

*Eleutherodactylus* is the largest vertebrate genus with over 400 described species. Two major centers of species diversity occur: northwestern South America and the West Indies. Almost all species share two characteristics—“T-shaped” terminal phalanges, probably an adaptation for climbing, and direct development, allowing for reproduction away from water. In the West Indies, *Eleutherodactylus* species are a dominant amphibian group. No single species is naturally found on more than one of the four Greater Antilles, and most are restricted to small areas within an island (Hedges 1989). Seventeen species of this genus are known from Puerto Rico and, collectively, they are

commonly known as “coquís” (Rivero 1978, Moreno 1991).

The guajón (*Eleutherodactylus cooki*), also known commonly as “demon of Puerto Rico” or “demonio de Puerto Rico,” is a relatively large frog, approximately 8.5 centimeters (3.3 inches) in length. It is solid brown in color, although attending and calling males may have a yellow throat. The guajón may be the only species of *Eleutherodactylus* in Puerto Rico that exhibits sexual dimorphism in color (Joglar *et al.* 1996). In both sexes, the frogs have large, white-rimmed eyes, giving the species a specter or phantom-like appearance. The species is characterized by having large truncate discs and by a peculiar, melodious and low voice which is completely different from any other species of *Eleutherodactylus* in Puerto Rico (Rivero 1978). Rivero (1978) states that its peculiar calling and phantom-like appearance made many local people fearful of the species, believing that the mere sight of an animal would be fatal.

The guajón, first collected by Chapman Grant in 1932, is known only from the Pandura range in southeastern Puerto Rico and west to Patillas/San Lorenzo where it lives in crevices and grottoes in and among boulders (Joglar *et al.* 1996). Such grottoes are commonly referred to as guajonales. It is from the grottoes or guajonales where the species lives that the frog derives its name, the guajón. The species is

apparently limited in distribution by the rock formation where it occurs (Rivero 1978, Joglar 1992). Joglar *et al.* (1996) documented population fluctuations, apparently related to precipitation and temperature. Numbers are lowest during the winter months, during the period of least rainfall and lowest temperatures. The number of egg clutches and juveniles was observed to be greatest during the months of October and September. Eggs are laid on the humid faces of boulders in protected microhabitats within the grottoes and up to 59 eggs, which may actually be multiple clutches, are apparently guarded by the males (Rivero 1978, Joglar *et al.* 1996). Diurnal activity of *E. cooki* occurs only inside the caves. Many guajones, however, have been observed leaving the caves at dusk, presumably to forage and rehydrate, and returning before dawn (Joglar *et al.* 1996).

During surveys conducted by Drewry (1986), Joglar (1992), and Joglar *et al.* (1996), the guajón was found at its historical localities, all of which occur within the municipalities of Yabucoa and San Lorenzo. Dr. Fernando Bird (pers. comm.) also reports the species from the municipalities of Las Piedras and Humacao. Little historical data is available on abundance; therefore, reductions in populations are difficult to document. Nevertheless, *E. cooki* is endemic to Puerto Rico and is extremely restricted in geographical distribution. Further, it is a habitat specialist (i.e., requires a particular habitat type) and occurs only on privately-owned lands. Threats to the species include deforestation and earth movement for agricultural activities and rural development, road construction, including the construction of a major four-lane highway, and the construction of a reservoir.

#### Previous Federal Action

In the Service's notices of review for vertebrate candidates published in the **Federal Register** of December 30, 1982 (47 FR 58454), September 18, 1985 (50 FR 37958), January 6, 1989 (55 FR 17475) and November 21, 1991 (56 FR 58804), *Eleutherodactylus cooki* was included as a category 2 species. At that time, Category 2 species were those that were being considered for possible addition to the Federal List of Endangered and Threatened Wildlife, but insufficient data on biological vulnerability and threat were not currently available to support such an action. Designation of Category 2 species was discontinued in the December 5, 1996, **Federal Register** notice (61 FR 64481).

During a symposium/workshop on Puerto Rican reptiles and amphibians held in Puerto Rico in April of 1990, Moreno (1991) believed that the guajón was declining and in urgent need of a status survey. Status surveys conducted in 1991 and 1992 indicated that the guajón is extremely restricted in distribution and currently faces significant threats (Joglar 1992). Joglar *et al.* (1996) recommended that, although studies of 2 specific areas conducted between 1991 and 1994 did not indicate that those particular populations were declining, protecting the species was essential due to its limited distribution and rapid development of its habitat. The Service elevated this species to a candidate and proposed it for threatened status on October 2, 1995 (60 FR 51432). Because additional information became available concerning the species' distribution and biology, the Service reopened the comment period on October 4, 1996 (61 FR 51878).

The processing of this final rule conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will process rulemakings during fiscal year 1997. The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings. This rule falls under Tier 2. Presently, there are no pending Tier 1 actions in Region 4. In the development of this final rule, the Service has conducted an internal review of all available information on the species and its habitat.

#### Summary of Comments and Recommendations

In the October 2, 1995, proposed rule and associated notifications, all interested parties were requested to submit factual reports of information that might contribute to the development of a final rule. Appropriate agencies of the Commonwealth of Puerto Rico, Federal agencies, scientific organizations, and other interested parties were requested to comment. A newspaper notice inviting general public comment was published in *The San Juan Star* on October 31, 1995, and in the *El Nuevo Día* on October 25, 1995. The Service also solicited the expert opinions of three appropriate and independent specialists regarding pertinent scientific or commercial data and assumptions relating to distribution, abundance, status and biological and ecological information for

the guajón. In response to the proposed rule, four comment letters were received, three of which were from specialists. One specialist provided additional distributional data on the species, increasing its known range to include the municipalities of Las Piedras and Humacao in southeastern Puerto Rico and agreed that the species' habitat is threatened by human related activity. A second specialist stated that the range of the guajón is limited and that any significant alteration of its habitat might have an effect on its existence. Comments supplying supplemental data have been incorporated into the Background section of this rule, as appropriate. A public hearing was neither requested nor held.

On October 4, 1996, the Service reopened the comment period. The Service again solicited the expert opinions of three appropriate and independent specialists. In response to the proposed rule, five comment letters were received, three of which were from specialists. The Natural Resource Conservation Service, U.S. Department of Agriculture, stated that the listing of the guajón was important and expressed interest in coordinating with the Fish and Wildlife Service in order to identify agricultural land where the species occurs.

The following is a summary of other comments and concerns (referred to as "Issues" for the purposes of this summary) regarding the proposed rule that were expressed in writing. Comments of similar content have been grouped together.

*Issue 1:* Two commenters indicated that without the designation of critical habitat the listing of the species would not be beneficial.

*Response:* The Service believes that, because the guajón occupies an extremely restricted geographic area in Puerto Rico, protection of its habitat can be accomplished through the Section 7 jeopardy standard and through Section 9 prohibitions against take. Harm in the definition of "take" in the Act (50 CFR 17.3) means an act which actually kills or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by impairing essential behavioral patterns, including breeding, feeding or sheltering. This issue is also addressed in the "Critical Habitat" section of this rule.

*Issue 2:* Two commenters recommended that the species remain a candidate for its protection until an ongoing study of the guajón's reproductive biology is completed.

*Response:* Candidate species receive no statutory protection under the Act. Thus, having it remain a candidate would not provide the maximum conservation benefit to the guajón. The Act requires the Service to make a listing determination based upon the best scientific and commercial data available. The Service believes that sufficient information on status and threats is available to warrant listing the species as threatened. Information derived from the ongoing study of reproductive biology will be valuable for recovery purposes and will be incorporated into the recovery plan.

*Issue 3:* A commenter indicated that while scientific collection had not adversely affected the species, other human-related factors do affect the guajón. Another commenter indicated that collecting by artisans was probably not a threat due to the difficulty and the danger of entering the caves, but stated that scientific collecting should be regulated.

*Response:* The rule states that collection has been identified as a problem by scientists for *other* species of *Eleutherodactylus*; therefore, it should be considered as a potential threat for the guajón. This issue is addressed in the "Summary of Factors Affecting the Species" section in this rule.

### Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the guajón should be classified as a threatened species. Procedures found at Section 4(a)(1) of the Act and regulations implementing the listing provisions of the Act (50 CFR part 424) were followed. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the guajón (*Eleutherodactylus cooki*) are as follows:

#### A. The Present or Threatened Destruction, Modification, or Curtailment of Its Habitat or Range

The guajón is only known from the municipalities of Yabucoa, San Lorenzo, Humacao, and Las Piedras in the Pandura range in the extreme southeastern corner of Puerto Rico. Deforestation and earth movement for agricultural and rural development have encroached upon known habitat of the species. Deforestation may result in increased flash flooding, resulting in the drowning of adults and the destruction of nests. The practice of planting crops

right up to the entrance of the guajonales may eliminate nocturnal habitat of the species and increase the pesticide and fertilizer run-off into the water flowing under the caves. Caves are also often used as garbage dumps. Road construction and the associated cut and fill has eliminated habitat (Drewry 1986). A major four-line highway is currently proposed through the area, as is the construction of a major reservoir.

#### B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes

Although not previously identified as a determinant factor in the decline of the guajón specifically, scientific collecting of related species of coquí in Puerto Rico may have contributed to declines. In a survey of only seven museums in both Puerto Rico and the United States, numerous specimens of the web-footed coquí (*E. karlschmidti*) and the mottled coquí (*E. eneidae*) were located, with a total of 473 preserved individuals of the former and 325 of the latter species (Joglar 1992). Both of these related species' status are under evaluation by the Service because of their extreme rarity. Collection of other *Eleutherodactylus* sp. for use in local art has also been documented, and this activity is currently being evaluated by the Commonwealth government for possible regulation.

#### C. Disease or Predation

Disease has not been documented as a factor in the decline of this species. However, examination of both preserved and live specimens of the guajón revealed that the species is parasitized by the tick *Ornithodoros talaje*. Nevertheless, the effect of this parasite on the guajón has yet to be studied (Joglar 1992, Joglar *et al.* 1996). Introduced species such as cats, rats, and mongoose, active at night, may adversely affect densities of this species by feeding on the frogs and their eggs.

#### D. The Inadequacy of Existing Regulatory Mechanisms

The Commonwealth of Puerto Rico has adopted a regulation that recognizes and provides protection for certain Commonwealth listed species. However, the guajón is not yet on the Commonwealth list. Federal listing would provide immediate protection under the Act, and by virtue of an existing section 6 Cooperative Agreement with the Commonwealth, will also assure the addition of this species to the Commonwealth list and enhance its protection and possibilities for funding needed research.

#### E. Other Natural or Manmade Factors Affecting Its Continued Existence

The decline in populations of amphibians has become apparent globally. Factors which may be responsible for the decline of amphibians include habitat destruction and modification, acid rain, pesticide contamination, introduction of non-native predators and competitors, agriculture, mining and logging, increased levels of ultraviolet radiation, collection, and global climatic change (Wake and Morowitz 1991, Joglar and Burrowes 1996).

Flash floods, droughts, and catastrophic storms, such as Hurricane Hugo which occurred in 1989, may have caused localized extirpations of other species of *Eleutherodactylus* in specific areas in Puerto Rico (Burrowes and Joglar 1991, Joglar 1992, Joglar and Burrowes 1996). Hurricane Hugo negatively affected the abundance of *E. portoricensis*, a species which is not abundant and is restricted in distribution (Joglar and Burrowes 1991). The guajón is endemic to Puerto Rico, a habitat specialist, and extremely restricted in distribution. It is known only from the southeastern part of the island.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to make this rule final. Based on this evaluation, the preferred action is to list *Eleutherodactylus cooki* as threatened, because the species is extremely restricted in distribution and is specialized in habitat utilization. Activities such as dam and road construction and land conversion to agriculture threaten to significantly reduce available habitat. While not in immediate danger of extinction, the guajón is likely to become an endangered species in the foreseeable future if present threats continue. The reasons for not designating critical habitat for this species are discussed below in the "Critical Habitat" section.

#### Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon

a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that the designation of critical habitat is not prudent for the guajón. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

While collection has not been documented as contributing to the decline of the guajón specifically, large numbers of other *Eleutherodactylus* species, including several identified as species at risk, have been documented in scientific collections. Collection of *Eleutherodactylus* sp. has been documented for use by local artisans, and such collection is currently under evaluation by the Commonwealth government for possible regulation. In addition, due to the appearance of the animal, Rivero (1978) stated that local people were fearful of them. This fear could lead to killing of guajón.

The guajón is rare and restricted in range, and taking for scientific and private collection would pose a serious threat to the species if specific site information were released. The publication of critical habitat maps in the **Federal Register** and local newspapers and other publicity accompanying critical habitat designation would likely increase the collection threat and increase the potential for vandalism if such habitat were designated. The Service believes, therefore, that the identification of critical habitat may increase the threat to the species. The locations of populations of this species have consequently been described only in general terms in the final rule. Any existing precise locality data would be available to appropriate Federal, State, and local governmental agencies from the Service office described in the **ADDRESSES** section.

Regulations promulgated for implementing Section 7 of the Act provide for both a jeopardy standard, based on listing alone, and for a destruction or adverse modification standard, in cases where critical habitat has been designated. The guajón occupies an extremely restricted geographic area in Puerto Rico and, once listed, the Service believes that protection of guajón habitat can be accomplished through the Section 7 jeopardy standard, and through Section 9 prohibitions against take.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in conservation actions by Federal, Commonwealth, and private agencies, and individuals. The Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.

Federal agency actions that may require consultation as described in the preceding paragraph include the Army Corps of Engineers and/or National Resource Conservation Service (previously Soil Conservation Service) involvement in the construction of a reservoir; Rural Development (formerly Farmer's Home Administration) funding of water, sewer, and power lines, as well as residential developments; and the Federal Highway Administration's involvement in the construction of

small roads and a major highway through the area.

The Act and its implementing regulations set forth a series of general trade prohibitions and exceptions that apply to all threatened wildlife. The prohibitions, codified at 50 CFR 17.21 and 17.31, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, permits are also available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits may be addressed to the Service's Southeast Regional Office, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (404/679-7313).

It is the policy of the Service (59 FR 34272) to identify to the maximum extent practicable those activities that would or would not constitute a violation of section 9 of the Act at the time of listing. The intent of this policy is to increase public awareness of the effect of listing on proposed or ongoing activities. The only known populations of guajón are located on privately-owned land. The Service believes that, based on the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

- (1) Possession of legally acquired guajón, under Service-approved permitted conditions; and
- (2) Federally funded or regulated projects that involve activities, such as dam and road construction, earth movement for agricultural activities and rural development, or diversion or alteration of surface or ground water

flow into or out of grottoes (e.g., due to roads, impoundments, discharge pipes, storm water detention basins, etc.), when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in accordance with section 7 of the Act.

Activities that the Service believes could potentially result in "take" of the guajón, include, but are not limited to:

(1) Unauthorized collecting or capture of the species;

(2) Purposeful introduction of exotic species, such as cats, rats, and mongoose, that may adversely affect densities of this species by feeding on adults or eggs;

(3) Unauthorized destruction/alteration of the species' habitat (e.g., rock removal, discharge of fill materials, earth movement for agricultural activities and rural development, or diversion or alteration of surface or ground water flow into or out of grottoes) when such activity is not conducted in accordance with section 7 of the Act;

(4) Pesticide applications in violation of label restrictions; and

(5) Discharges or dumping of toxic chemicals, silt, or other pollutants into areas supporting this species.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Boquerón Field Office (see ADDRESSES section). Requests for copies of the regulations on listed species and inquiries regarding prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Ecological Services, 1875 Century Boulevard, Atlanta, Georgia 30345-3301 (404/679-7313).

**National Environmental Policy Act**

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

**Required Determinations**

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements.

**References Cited**

Burrowes, P.A. and R.L. Joglar. 1991. A survey of the population status and an ecological evaluation of three Puerto Rican frogs. Pp. 42-46 in J.A. Moreno, ed., Status y Distribución de los Anfibios y Reptiles de Puerto Rico. Publ. Cien. Misc. No.1. Departamento de Recursos Naturales y Ambientales, San Juan, Puerto Rico.

Drewry, G.E. 1986. Golden coqui recovery survey and brief status evaluation of five other Puerto Rican *Eleutherodactylus* species. Trip report prepared for the Caribbean Field Office, U.S. Fish and Wildlife Service. 49 pp.

Hedges, S.B. 1989. Evolution and biogeography of West Indian frogs of the genus *Eleutherodactylus*: slow-evolving loci and the major groups. Pp.305-370 in Biogeography of the West Indies.

Joglar, R.L. 1992. Status survey of four species of *Eleutherodactylus*: Final report. Report prepared for the Caribbean Field Office, U.S. Fish and Wildlife Service. 41 pp.

Joglar, R.S. and P.A. Burrowes. 1991. El efecto del Huracán Hugo sobre una comunidad de anfibios en El Yunque, Puerto Rico y algunas recomendaciones para la protección de las especies del género *Eleutherodactylus*. Pp. 47-52 in J.A. Moreno, ed., Status y Distribución de los Anfibios y Reptiles de Puerto Rico. Publ. Cien. Misc. No.1. Departamento de Recursos Naturales y Ambientales, San Juan, Puerto Rico.

Joglar, R.S. and P.A. Burrowes. 1996. Declining amphibian populations in Puerto Rico. Pp. 371-380 in R. Powell and R.W. Henderson, eds., Contributions to West Indian Herpetology: A Tribute to Albert Schwartz. Society for the Study of Amphibians and Reptiles, Ithaca (New York). Contributions to Herpetology, vol. 12.

Joglar, R.S., P.A. Burrowes, and N. Rios. 1996. Biology of the Puerto Rican cave-dwelling frog, *Eleutherodactylus cooki*, and some recommendations for its conservation. Pp. 251-258 in R. Powell and R.W. Henderson, eds., Contributions to West Indian Herpetology: A Tribute to Albert Schwartz. Society for the Study of Amphibians and Reptiles, Ithaca (New York). Contributions to Herpetology, vol. 12.

Moreno, J.A. (ed.) 1991. Status y Distribución de los Anfibios y Reptiles de Puerto Rico. Publ. Cien. Misc. No. 1. Departamento de Recursos Naturales y Ambientales de Puerto Rico. San Juan, Puerto Rico 67 pp.

Rivero, J.A. 1978. Los Anfibios y Reptiles de Puerto Rico. U.P.R. Editorial Universitaria. San Juan, Puerto Rico 152 pp.

Wake, D.B. and H.J. Morowitz. 1991. Declining amphibian populations—a global phenomenon? Findings and recommendations. *Alytes* 9(2): 33-42.

**Author**

The primary author of this final rule is Ms. Susan Silander, Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622 (809/851-7297).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

**Regulation Promulgation**

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

**Part 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under AMPHIBIANS, to the List of Endangered and Threatened Wildlife to read as follows:

**§ 17.11 Endangered and threatened wildlife.**

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Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						

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Amphibians

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
* Guajón .....	* Eleutherodactylus cooki.	* U.S.A. (PR) .....	* NA .....	* T	* 617	NA	* NA
*	*	*	*	*	*		*

Dated: May 16, 1997.

**Jay L. Gerst,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97-15300 Filed 6-10-97; 8:45 am]

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