



## **DEPARTMENT OF THE INTERIOR**

### **Fish and Wildlife Service**

#### **50 CFR Part 17**

**[4500030115]**

### **Endangered and Threatened Wildlife and Plants; 90-Day Findings for Three Species**

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

**ACTION:** Notice of petition findings and initiation of status reviews.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), announce 90-day findings on three petitions to add or reclassify species under the Endangered Species Act of 1973, as amended (Act). Based on our review, we find that two petitions present substantial scientific or commercial information indicating that the petitioned actions may be warranted. Therefore, with the publication of this document, we announce that we plan to initiate reviews of the statuses of those species to determine whether the petitioned actions are warranted. To ensure that the status reviews are comprehensive, we are requesting scientific and commercial data and other information regarding those species. Based on the status reviews, we will issue 12-month findings which will address whether or not the petitioned actions are warranted, in accordance with the Act. We also find that one petition does not present substantial scientific or commercial information indicating that the petitioned action may be warranted. Therefore, we are not initiating a status review of that species in response to the petition. We refer to this finding as a “not substantial” petition finding.

**DATES:** These findings were made on **[INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER]**. As we commence work on the status reviews, we seek any new

information concerning the statuses of, or threats to, the species or their habitats. We will consider any relevant information that we receive during our work on the status reviews.

**ADDRESSES:** *Supporting documents:* Summaries of the bases for the petition findings contained in this document are available on <http://www.regulations.gov> under the appropriate docket number (see Tables 1 and 2 under **SUPPLEMENTARY INFORMATION**). In addition, this supporting information is available for public inspection, by appointment, during normal business hours by contacting the appropriate person, as specified in **FOR FURTHER INFORMATION CONTACT**.

*Status Reviews:* If you have new scientific or commercial data or other information concerning the statuses of, or threats to, the species for which a status review is being initiated, please provide those data or information by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <http://www.regulations.gov>. In the Search box, enter the appropriate docket number (see the Table 1 under **SUPPLEMENTARY INFORMATION**). Then, click on the “Search” button. After finding the correct document, you may submit information by clicking on “Comment Now!” If your information will fit in the provided comment box, please use this feature of <http://www.regulations.gov>, as it is most compatible with our information review procedures. If you attach your information as a separate document, our preferred file format is Microsoft Word. If you attach multiple comments (such as form letters), our preferred format is a spreadsheet in Microsoft Excel.

(2) *By hard copy:* Submit by U.S. mail or hand-delivery to: Public Comments Processing, Attn: [Insert appropriate docket number; see the Table 1 under

**SUPPLEMENTARY INFORMATION]**, U.S. Fish and Wildlife Service, MS: BPHC, 5275 Leesburg Pike; Falls Church, VA 22041–3803.

We request that you send information only by the methods described above. We will post all information we receive on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us.

*Not-substantial petition finding:* If you have new information concerning the status of, or threats to, this species, or its habitat, please submit that information to the appropriate person listed under **FOR FURTHER INFORMATION CONTACT**, below.

**FOR FURTHER INFORMATION CONTACT:**

<b>Species common name</b>	<b>Contact person</b>
Gila topminnow	Jeff Humphrey, 602–242–0210; <a href="mailto:jeff_humphrey@fws.gov">jeff_humphrey@fws.gov</a>
lake sturgeon	Barb Hosler, 517–351–1443; <a href="mailto:barbara_hosler@fws.gov">barbara_hosler@fws.gov</a>
Siskiyou Mountains salamander	Jenny Ericson, 530–841–3115; <a href="mailto:jenny_ericson@fws.gov">jenny_ericson@fws.gov</a>

If you use a telecommunications device for the deaf, please call the Federal Relay Service at 800–877–8339.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations in title 50 of the Code of Federal Regulations (50 CFR part 424) set forth the procedures for adding a species to, or removing a species from, the Federal Lists of Endangered and Threatened Wildlife and Plants (Lists) in 50 CFR part 17. Section 4(b)(3)(A) of the Act requires that we make a finding on whether a petition to add a species to the Lists (i.e., “list” a species), remove a species from the Lists (i.e., “delist” a species), or change a listed species’ status from endangered to threatened or from threatened to endangered (i.e., “reclassify” a species) presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum

extent practicable, we are to make this finding within 90 days of our receipt of the petition and publish the finding promptly in the *Federal Register*.

Our regulations establish that substantial scientific or commercial information with regard to a 90-day petition finding refers to “credible scientific or commercial information in support of the petition’s claims such that a reasonable person conducting an impartial scientific review would conclude that the action proposed in the petition may be warranted” (50 CFR 424.14(h)(1)(i)).

A species may be determined to be an endangered species or a threatened species because of one or more of the five factors described in section 4(a)(1) of the Act (16 U.S.C. 1533(a)(1)).

The five factors are:

(a) The present or threatened destruction, modification, or curtailment of its habitat or range (Factor A);

(b) Overutilization for commercial, recreational, scientific, or educational purposes (Factor B);

(c) Disease or predation (Factor C);

(d) The inadequacy of existing regulatory mechanisms (Factor D); or

(e) Other natural or manmade factors affecting its continued existence (Factor E).

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to, or are reasonably likely to, affect individuals of a species negatively. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself. However, the mere identification of any threat(s) may not be sufficient to compel a finding that the information in the petition is substantial information indicating that the petitioned action may be warranted. The information presented in the petition must include evidence sufficient to suggest that these threats may be affecting the species to the point that the species may meet the definition of an endangered species or threatened species under the Act.

If we find that a petition presents such information, our subsequent status review will evaluate all identified threats by considering the individual-, population-, and species-level effects and the expected response by the species. We will evaluate individual threats and their expected effects on the species, then analyze the cumulative effect of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that are expected to have positive effects on the species—such as any existing regulatory mechanisms or conservation efforts that may ameliorate threats. It is only after conducting this cumulative analysis of threats and the actions that may ameliorate them, and the expected effect on the species now and in the foreseeable future, that we can determine whether the species meets the definition of an endangered species or threatened species under the Act.

If we find that a petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, the Act requires that we promptly

commence a review of the status of the species, and we will subsequently complete a status review in accordance with our prioritization methodology for 12-month findings (81 FR 49248; July 27, 2016).

### Summaries of Petition Findings

The petition findings contained in this document are listed in the tables below, and the basis for each finding, along with supporting information, is available on <http://www.regulations.gov> under the appropriate docket number.

Table 1: Status reviews.

Common name	Docket no.	URL to Docket on <a href="http://www.regulations.gov">http://www.regulations.gov</a>
Gila topminnow	FWS-R2-ES-2018-0109	<a href="https://www.regulations.gov/docket?D=FWS-R2-ES-2018-0109">https://www.regulations.gov/docket?D=FWS-R2-ES-2018-0109</a>
lake sturgeon	FWS-R3-ES-2018-0110	<a href="https://www.regulations.gov/docket?D=FWS-R3-ES-2018-0110">https://www.regulations.gov/docket?D=FWS-R3-ES-2018-0110</a>

Table 2: Not-substantial petition finding.

Common name	Docket no.	URL to Docket on <a href="http://www.regulations.gov">http://www.regulations.gov</a>
Siskiyou Mountains salamander	FWS-R8-ES-2018-0111	<a href="https://www.regulations.gov/docket?D=FWS-R8-ES-2018-0111">https://www.regulations.gov/docket?D=FWS-R8-ES-2018-0111</a>

### Evaluation of a Petition to Reclassify the Gila Topminnow

#### Species and Range

Gila topminnow (*Poeciliopsis occidentalis occidentalis*); Arizona, New Mexico, and Mexico.

#### Petition History

On May 16, 2018, we received a petition from the Arizona Game and Fish Department, requesting that the Gila topminnow be reclassified from an endangered species to a threatened species under the Act. The petition clearly identified itself as such and included the requisite

identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

#### Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating the petitioned action may be warranted for the Gila topminnow due to potential reduction or mitigation of threats associated with the following: Destruction, modification, or curtailment of the species' habitat or range (Factor A); predation (Factor B); competition with nonnative aquatic species (Factor E); and cumulative effects associated with these threats.

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at [http:// www.regulations.gov](http://www.regulations.gov) under Docket No. FWS–R2–ES–2018–0109 under the Supporting Documents section.

#### *Evaluation of a Petition to List the Lake Sturgeon as an Endangered or Threatened Species*

#### *Under the Act*

#### Species and Range

Lake sturgeon (*Acipenser fulvescens*); Great Lakes, St. Lawrence, Hudson Bay, and Mississippi River basins in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Pennsylvania, Tennessee, Vermont, and Wisconsin; Coosa River in Alabama and Georgia.

#### Petition History

On May 23, 2018, we received a petition from the Center for Biological Diversity, requesting that lake sturgeon be listed as threatened rangewide or that nine distinct population segments (DPSs) be listed as endangered or threatened and critical habitat be designated for this

species under the Act. The petition clearly identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

#### Finding

Based on our review of the petition and sources cited in the petition, we find that the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted for the lake sturgeon due to potential threats associated with the following: Dams and hydroelectric facilities, dredging and channelization, and contaminants (Factor A); and habitat fragmentation, the species' life-history characteristics, and invasive species (Factor E). The petition also presented substantial information that the existing regulatory mechanisms may be inadequate to address impacts of these threats (Factor D).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at [http:// www.regulations.gov](http://www.regulations.gov) under Docket No. FWS–R3–ES–2018–0110 under the Supporting Documents section.

#### *Evaluation of a Petition to List the Siskiyou Mountains Salamander as an Endangered or Threatened Species Under the Act*

#### Species and Range

Siskiyou Mountains salamander (*Plethodon stormi*); California and Oregon.

#### Petition History

On March 13, 2018, we received a petition from the Center for Biological Diversity, Klamath-Siskiyou Wildlands Center, Environmental Protection Information Center, and Cascadia Wildlands requesting that the Siskiyou Mountains salamander be listed as endangered or threatened and critical habitat be designated for this species under the Act. The petition clearly

identified itself as such and included the requisite identification information for the petitioner, required at 50 CFR 424.14(c). This finding addresses the petition.

#### Finding

Based on our review of the petition and sources cited in the petition, we find that the petition does not present substantial scientific or commercial information indicating the petitioned action may be warranted for the Siskiyou Mountains salamander. The petitioners have not provided information to support their assertions that the activities or conditions they identify as potential threats—logging, habitat fragmentation, fire, roads, mining, developed recreation, disease, and climate change—affect the species negatively, as the regulations require at 50 CFR 424.14(d). Because the petition does not present substantial information indicating that listing the Siskiyou Mountains salamander may be warranted, we are not initiating a status review of this species in response to this petition. However, we ask that the public submit to us any new information that becomes available concerning the status of, or threats to, this species or its habitat at any time (see *Not-substantial petition finding* under **ADDRESSES**, above).

The basis for our finding on this petition, and other information regarding our review of the petition, can be found as an appendix at <http://www.regulations.gov> under Docket No. FWS–R8–ES–2018–0111 under the Supporting Documents section.

#### Conclusion

On the basis of our evaluation of the information presented in the petitions under section 4(b)(3)(A) of the Act, we have determined that the petitions summarized above for the Gila topminnow and lake sturgeon present substantial scientific or commercial information indicating that the petitioned actions may be warranted. We are, therefore, initiating status reviews to determine whether the actions are warranted under the Act. At the conclusion of the status

reviews, we will issue findings, in accordance with section 4(b)(3)(B) of the Act, as to whether the petitioned actions are not warranted, warranted, or warranted but precluded by pending proposals to determine whether any species is an endangered species or a threatened species.

In addition, we have determined that the petition summarized above for the Siskiyou Mountains salamander does not present substantial scientific or commercial information indicating that the requested action may be warranted. Therefore, we are not initiating a status review for this species.

## **Authors**

The primary authors of this document are staff members of the Ecological Services Program, U.S. Fish and Wildlife Service.

## **Authority**

The authority for these actions is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: August 2, 2019

Signed: Margaret Everson

**Margaret E. Everson**  
*Principal Deputy Director,  
U.S. Fish and Wildlife Service,  
Exercising the Authority of the Director,  
U.S. Fish and Wildlife Service.*

~~[Endangered and Threatened Wildlife and Plants; 90-Day Findings for Three Species]~~

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