Endangered and Threatened Wildlife and Plants; 5-Year Review of 14 Southeastern Species

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 5-Year Review of 14 Southeastern Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice.

SUMMARY: The Fish and Wildlife Service announces 5-year reviews of the Alabama beach mouse (Peromyscus polionotus annamobates), eastern indigo snake (Drymarchon corais couperi), Red Hills salamander (Phaeognathus hubrichti), Ozark cavefish (Amblyopsis rosae), bayou darter (Etheostoma rubrum), southern combshell (Epioblasma = Dysnomia penita), Arkansas fatmucket (Lampsilis powelli), Louisiana pearlshell (Margaritifera hembeli), black clubshell (Pleurobema curtum), flat pigtie (Pleurobema tatinum), stirrupshell (Quadrula stapes), Kral’s water-plantain (Sagittaria secundifolia), and Alabama streak-sorus fern (Thelypteris pilosa var. alabamensis) under section 4(c)(2) of the Endangered Species Act of 1973, as amended (Act). The purpose of reviews conducted under this section of the Act is to ensure that the classification of species as threatened or endangered on the List of Endangered and Threatened Wildlife and Plants (50 CFR 17.11 and 17.12) is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

DATES: To allow us adequate time to conduct this review, information submitted for our consideration must be received on or before November 7, 2006. However, we will continue to accept
new information about any listed species at any time.

**ADDRESSES:** Information submitted on the Alabama beach mouse should be sent to the Field Supervisor, Daphne Field Office, Fish and Wildlife Service, 1208-B Main Street, Daphne, Alabama 36526. Information submitted on the eastern indigo snake, Red Hills salamander, bayou darter, southern combshell, black clubshell, flat pigtoe, heavy pigtoe, stirrupshell, Kral’s water plantain, and Alabama streak-sorus fern should be sent to the Field Supervisor, Jackson Field Office, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 34213. Information submitted on the Ozark cavefish and the Arkansas fatmucket should be sent to the Field Supervisor, Conway Field Office, Fish and Wildlife Service, 646 Cajundome Boulevard, Suite 400, Lafayette, Louisiana 70506. Information received in response to this notice of review will be available for public inspection by appointment, during normal business hours, at the same addresses.

**FOR FURTHER INFORMATION CONTACT:** Rob Tawes at the Daphne, Alabama, address above for the Alabama beach mouse (telephone 251/441–5830); Cary Norquist at the Jackson, Mississippi, address above for the eastern indigo snake, Red Hills salamander, bayou darter, southern combshell, black clubshell, flat pigtoe, heavy pigtoe, stirrupshell, Kral’s water plantain, and Alabama streak-sorus fern (telephone 601/312–1128); Chris Davidson at the Conway, Arkansas, address above for the Ozark cavefish and the Arkansas fatmucket (telephone 501/513–4481); and Karen Soileau at the above Lafayette, Louisiana, address for the Louisiana pearlshell (telephone 337/291–3132).

**SUPPLEMENTARY INFORMATION:** Under the Act (16 U.S.C. 1533 et seq.), the Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for wildlife) and 17.12 (for plants) (collectively referred to as the List). Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, under section 4(c)(2)(B), we determine whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and commercial data available and only considered if such data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process.

The regulations at 50 CFR 424.21 require that we publish a notice in the Federal Register announcing those species currently under active review. This notice announces our active review of the following species that are currently federally listed as endangered: Alabama beach mouse, southern combshell, black clubshell, flat pigtoe, heavy pigtoe, and stirrupshell. This notice also announces our active review of the following species that are currently federally listed as threatened: eastern indigo snake, Red Hills salamander, Ozark cavefish, bayou darter, Arkansas fatmucket, Louisiana pearlshell, Kral’s water-plantain, and Alabama streak-sorus fern.

The List is found in 50 CFR 17.11 (wildlife) and 17.12 (plants) and is also available on our internet site at http://endangered.fws.gov/wildlife.html#Species. Amendments to the List through final rules are published in the Federal Register.

**What information is considered in the review?**

A 5-year review will consider the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading “How do we determine whether a species is endangered or threatened?”); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

**Definitions Related to this Notice**

The following definitions are provided to assist those persons who contemplate submitting information regarding the species being reviewed:

**A. Species** includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

**B. Endangered** means any species that is in danger of extinction throughout all or a significant portion of its range.

**C. Threatened** means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**How do we determine whether a species is endangered or threatened?**

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range:

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

**Specific Information Requested for the Alabama Beach Mouse**

We are especially interested in information regarding genetics, effective population size, or general population viability. We are also interested in any data regarding the influence of tropical cyclones on the subspecies. In addition, we are seeking information on future patterns of development (particularly changes in development density) along the Fort Morgan Peninsula in Baldwin County, Alabama.

**Specific Information Requested for the Ozark Cavefish**

We are especially interested in information on species biology, population trends, distribution, abundance, demographics, and genetics; habitat conditions, including amount, distribution, and stability; conservation measures that have been implemented that benefit the species; threat status and trends; and other new information, data, or corrections, including taxonomic or nomenclatural changes, identification of erroneous information and improved analytical methods.
Specific Information Requested for the Arkansas Fatmucket

We are especially interested in information on species biology, population trends, distribution, abundance, demographics, and genetics; habitat conditions, including amount, distribution, and stability; conservation measures that have been implemented that benefit the species; threat status and trends; and other new information, data, or corrections, including taxonomic or nomenclatural changes, identification of erroneous information and improved analytical methods.

Specific Information Requested for the Black Clubshell, Flat Pigmoe, Stirrupshell

We are especially interested in learning of extant locations for these three mussels. Section 4(a)(1) of the Act requires that our determination be made on the basis of the best scientific and commercial data available.

What could happen as a result of this review?

If we find that there is new information concerning any of these 14 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) delist the species. If we determine that a change in classification is not warranted, then the species will remain on the List under its current status.

Public Solicitation of New Information

We request any new information concerning the status of any of these 14 species. See “What information is considered in the review?” heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources. Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home addresses from the supporting record, which we will honor to the extent allowable by law. There also may be circumstances in which we may withhold from the supporting record a respondent’s identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment, but you should be aware that the Service may be required to disclose your name and address pursuant to the Freedom of Information Act. We will not consider anonymous comments, however. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Authority

This document is published under the authority of the Endangered Species Act (16 U.S.C. 1531 et seq.).


Cynthia K. Dohner,
Acting Regional Director, Southeast Region.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Proposed Joint Programmatic Candidate Conservation Agreement with Assurances and Safe Harbor Agreement for Select Species in the Upper Little Red River Watershed, Arkansas

AGENCY: Fish and Wildlife Service, Department of the Interior.

ACTION: Notice.

SUMMARY: This notice advises the public that the Fish and Wildlife Service’s Arkansas Ecological Service Field Office (ARFO), Arkansas Game and Fish Commission (AGFC), Natural Resources Conservation Service (NRCS), and The Nature Conservancy (TNC), have applied to the Fish and Wildlife Service (we or Service) for an enhancement of survival permit (permit) pursuant to section 10(a)(1)(A) of the Endangered Species Act of 1973, as amended (Act). The permit application includes a proposal that combines a Candidate Conservation Agreement with Assurances (CCAA) for the candidate yellowcheek darter (Etheostoma moorei; YCD) with a Safe Harbor Agreement (SHA) for the federally endangered spckled pocketbook (Lampsilis streckeri; SPB)—jointly referred to as the “Agreement.” The term of the Agreement will be 30 years. If approved, the Agreement would allow the Applicants to issue Certificates of Inclusion (CI) throughout the upper Little Red River Watershed in Arkansas to eligible non-Federal landowners that complete an approved Property Owner Management Agreement (POMA). We announce the opening of a 30-day comment period and request comments from the public on the Applicant’s permit application, the accompanying proposed Agreement, and the supporting National Environmental Policy Act (NEPA) documentation.

DATES: Written comments should be received on or before October 10, 2006.

ADDRESSES: You may obtain a copy of the information available by contacting the Field Supervisor, Fish and Wildlife Service, Arkansas Ecological Services Field Office, 1500 Museum Road, Suite 105, Conway, Arkansas 72032. Alternatively, you may set up an appointment to view these documents during normal business hours. Written data or comments should be submitted to the Service’s Regional Safe Harbor Coordinator, Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345. Note that requests for any documents must be in writing to be processed. When you are requesting or reviewing the information provided in this notice, please reference “Programmatic CCAA and SHA in the Upper Little Red River” in any correspondence.

FOR FURTHER INFORMATION CONTACT: Mr. Chris Davidson, Fish and Wildlife Biologist, Arkansas Ecological Services Field Office (see ADDRESSES above), telephone (501) 513–4481; or Mr. Rick Gooch, Regional Safe Harbor Program Coordinator, Regional Office (see ADDRESSES above), telephone (404) 679–7124.

SUPPLEMENTARY INFORMATION: Under a CCAA, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting candidate species for listing under the Act. CCAAs encourage private and other non-Federal property owners to implement conservation efforts for candidate species by assuring property owners they will not be subjected to increased property use restrictions should the species become listed as threatened or endangered under the Act. Under a SHA, participating property owners voluntarily undertake management activities on their property to enhance, restore, or maintain habitat benefiting federally listed species under the Act. SHAs encourage private and other non-Federal property owners to implement conservation efforts for federally listed species by assuring property owners they will not be subjected to increased property use restrictions under the Act. Application requirements and issuance criteria for SHAs and CCAAs are found in 50 CFR 17.22(d) and 50 CFR 17.32(d), respectively. Because of the significant overlap between the two covered...