

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AB83

Endangered and Threatened Wildlife and Plants; Withdrawal of Proposed Rule to List the Plant *Salix arizonica* (Arizona Willow) as Endangered With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Fish and Wildlife Service (Service) withdraws a proposal to list the plant *Salix arizonica* (Arizona willow) as an endangered species with critical habitat under the Endangered Species Act of 1973, as amended (Act). The Service finds that evidence now available, discussed below, does not justify listing of the species as proposed. Additional field surveys have provided new data indicating that the species has a wider distribution and greater abundance than previously known. A multi-agency "Arizona Willow Conservation Agreement and Strategy" (AWCAS) signed April 7, 1995, has been developed that commits several Federal and State agencies to specific actions to immediately reduce site-specific threats, to provide long-term protection and habitat improvement, and to carry out proactive conservation actions. The White Mountain Apache Tribe (Tribe) has developed the "Arizona Willow Management Plan: An Interim Approach to High-Elevation Riparian and Cienega Ecosystem Management on the Fort Apache Indian Reservation" which is consistent with, and complementary to, the strategies and intent set forth in the AWCAS. Although Arizona willow is still considered rare and potentially vulnerable, the new distribution data in combination with the management commitments in the AWCAS and the tribal plan, reduce the relative magnitude and severity of threats to the species so that listing is no longer considered warranted.

ADDRESSES: The complete file for this notice is available for public inspection by appointment, during normal business hours, at the Arizona Ecological Service's State Office, 2321 West Royal Palm Road., Suite 103, Phoenix, Arizona, 85021-4951.

FOR FURTHER INFORMATION CONTACT: Bruce K. Palmer, at the above address (602/640-2720).

SUPPLEMENTARY INFORMATION:

Background

On November 20, 1992, the Service published a proposal to list the Arizona willow as endangered with critical habitat (57 FR 54747). At that time the species was known only from high elevation streams and wet meadows in the Mount Baldy vicinity of Apache County, Arizona, located primarily on the Apache-Sitgreaves National Forests and the Fort Apache Indian Reservation (Reservation). Threats identified in the proposed rule included livestock and wildlife impacts, water impoundments and diversions, roads, recreational use, development and maintenance of ski resort facilities, disease, alteration of natural hydrologic regimes, and changes in species composition and structure of the riparian community, including invasion of nonnative vegetation (especially Kentucky bluegrass, *Poa pratensis*) brought about by historic and current livestock use.

In June 1993, following publication of the proposal, the Service was notified of a previously misidentified herbarium specimen of Arizona willow collected in 1913 from the then-named "Sevier Forest" in southern Utah. Preliminary surveys in Utah during the summer of 1993 by the Service did not locate Arizona willow. Surveys initiated by the U.S. Forest Service (FS) resulted in rediscovery of Arizona willow in Utah on June 30, 1994. Subsequent FS surveys documented Arizona willow on the Dixie and Fishlake National Forests, Cedar Breaks National Monument, and adjacent private land. The extent of some individual populations of Arizona willow plants in Utah far exceeds all populations in Arizona.

On September 6, 1994, the Regional Foresters of the Southwestern and Intermountain Regions of the FS and the Regional Director of the Service's Southwest Region made a joint decision to develop a conservation agreement for Arizona willow on Federal lands to ensure the long-term conservation of the species throughout its range. This also required the participation of several non-Federal partners (Arizona Game and Fish Department (AGFD) and Utah Division of Wildlife Resources (UDWR)). A FS policy statement, jointly issued by the Regional Foresters of the Southwestern and Intermountain Regions on December 19, 1994, initiated actions to reduce threats on the National Forests (NF), including designation of FS representation on the Arizona Willow Interagency Technical Team. The Arizona Willow Interagency Technical Team was formed to develop and implement the AWCAS.

Concurrent with the development of a conservation strategy for Arizona willow on Federal lands, the Tribe has developed a management plan that addresses the conservation of Arizona willow on the Reservation. The Tribe's "Arizona Willow Management Plan: An Interim Approach to High-Elevation Riparian and Cienega Ecosystem Management on the Fort Apache Indian Reservation" is consistent with, and complementary to, the strategies and intent set forth in the AWCAS.

Specific protection to Arizona willow from cattle herbivory is provided on NF's and Reservation lands. Arizona willow is protected through rested pastures, livestock exclusion fencing, and/or construction of protective cages. On FS lands, no livestock use of any pasture is allowed without implementation of specific actions to protect Arizona willow. Management plans for each FS allotment that includes Arizona willow habitat will be revised within the guidelines set forth in the AWCAS prior to removal of site-specific protections.

Herbivory by wildlife, especially elk in Arizona, has been identified as a threat to Arizona willow. The AGFD has implemented strategies to reduce elk herd sizes within Arizona willow habitats in Arizona, and have committed to maintain stable or continued reductions of herd sizes pending results of herbivory studies. The Tribe has also initiated actions to stabilize elk herd size. Both the AGFD and the UDWR have provided specific commitments to aggressively manage wildlife populations consistent with monitoring and research information on Arizona willow.

Arizona willow habitat is further conserved through other measures, including the application of FS Standards and Guidelines, and the White Mountain Apache Tribe Codes and Tribal Council Resolutions. These protection actions provide for buffers from timber harvest activities, road closures and off-road vehicle restrictions, relocation of recreational trails; restrictions on dispersed camping, and informational signing.

Detailed monitoring of Arizona willow and a variety of research projects and studies on its population biology and ecology are being undertaken to fully understand the implications of land management actions. Such studies are being implemented through various cooperative efforts by the Apache-Sitgreaves NFs, Dixie NF, Fishlake NF, Rocky Mountain Forest and Range Experiment Station, Cedar Breaks National Monument, White Mountain Apache Tribe, AGFD, UDWR, and the

Service. These studies will help determine appropriate management practices and identify suitable areas for expanding and augmenting depauperate populations.

The designation of special management areas, such as Botanical Areas, Research Natural Areas, and essential habitat, are being evaluated and incorporated into a review process under the National Environmental Policy Act. Special management area designation assures the priority of Arizona willow management and long-term conservation of the species within a multiple-use land management framework.

Continued implementation of the AWCAS for management of Arizona willow on the Apache-Sitgreaves NFs, Dixie NF, Fishlake NF, and Cedar Breaks National Monument, and the implementation of the "Arizona Willow Management Plan: An Interim Approach to High-Elevation Riparian and Cienega Ecosystem Management on the Fort Apache Indian Reservation" are expected to accomplish significant conservation of Arizona willow without its being listed.

The Service has determined that Arizona willow does not warrant listing under the Act and places this plant in category 3C of the plant notice of review. Category 3C species are those species for which information now in the possession of the Service indicates that the species is more abundant or widespread than previously thought and for which substantial threats do not exist. If further research or changes in habitat indicate a significant decline in the species, it may again be included in categories 1 or 2, and its listing status may be reevaluated.

Author

The primary author of this proposed rule is Bruce K. Palmer (see ADDRESSES section).

Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 25, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 672, 675, and 676

[Docket No. 940414104-5104-01; I.D. 110194B]

RIN 0648-AF53

Groundfish of the Gulf of Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands Area; Maximum Retainable Bycatch Amounts

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes revised regulations for directed fishing standards in the groundfish fisheries in the Gulf of Alaska (GOA) and the Bering Sea and Aleutian Islands management area (BSAI). The proposed rule would simplify and clarify the regulations. In place of directed fishing standards, the proposed rule would specify retainable percentages from which the maximum amounts of fish that may be retained as bycatch in fisheries that are closed to directed fishing can be derived. The proposed changes are expected to promote compliance with groundfish regulations and to facilitate enforcement efforts. This action is intended to further the objectives of the fishery management plans (FMPs) for the groundfish fisheries off Alaska.

DATES: Comments must be submitted by May 30, 1995.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802 (Attn: Lori Gravel). Individual copies of the environmental assessment/regulatory impact review prepared for this action may be obtained from the same address.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, 907-586-7228.

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone (EEZ) of the GOA and the BSAI are managed by NMFS in accordance with the Fishery Management Plan for Groundfish of the Gulf of Alaska and the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson

Fishery Conservation and Management Act (Magnuson Act).

The FMPs are implemented by regulations that appear at 50 CFR parts 672, 675, and 676. General regulations that also govern the groundfish fisheries appear at 50 CFR part 620. These fishery regulations generally distinguish between fish taken in directed fishing efforts and fish of other species that are taken incidentally, sometimes referred to as "bycatch."

Typically, a fishery for a certain species is open to directed fishing until specified amounts of that species are taken or are projected to be taken, at which point the fishery is closed to directed fishing. Once a fishery for a particular species is closed to directed fishing, that species may be retained only as bycatch in fisheries for other species that remain open. The current fishery regulations specify standards for determining what constitutes directed fishing, and the proportions of retained catches that represent allowable bycatch levels. Once the catch of a species exceeds, or is projected to exceed, its total allowable catch (TAC) limit, that species may not be retained and must be discarded at sea.

Current regulations at 50 CFR 672.20(g) and 675.20(h) specify a large number of species-, area-, gear-, and management goal-specific directed fishing standards for the GOA and BSAI, respectively. The current regulations define directed fishing in terms of the proportion of the retained catch of one species in relationship to the retained catch of other species. Directed fishing standards range from 1 percent to 35 percent with a general default of 20 percent. Under current regulations arrowtooth flounder may not be used to calculate retainable amounts of other groundfish species because arrowtooth flounder was sometimes being harvested solely for the purpose of providing directed catch against which retainable bycatch quantities were calculated and accumulated.

These regulations were intended to reduce harvest rates of groundfish species when their TAC limits are being approached. At the same time, the directed fishing standards were intended to reduce waste and minimize the need to discard fish at sea by allowing retention of incidental groundfish bycatch, after closure of the directed fishery until the TAC limit is achieved.

In spite of increased specificity, directed fishing standards have often failed to prevent overharvest or underharvest of groundfish. Furthermore, the existing regulations have not eliminated undesirable fishing