

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; 12-Month Recycled Petition Finding for a Petition To List the Bull Trout as Threatened or Endangered**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month recycled petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 12-month recycled petition finding for a petition to list the bull trout (*Salvelinus confluentus*) under the Endangered Species Act of 1973, as amended. The Service finds that sufficient information is available on the biological vulnerability and threats to the species to support a warranted finding to list bull trout as a distinct population segment within the conterminous United States. After review of all available scientific and commercial information, the Service finds that listing this species is warranted, but precluded due to other higher priority listing actions. The Service continues to seek data and comments from the public on the status and threats to this species.

DATES: The finding announced in this document was made on May 31, 1995. Comments and information may be submitted until further notice.

ADDRESSES: Data, information, comments, or questions concerning this finding should be submitted to the Idaho State Supervisor, U.S. Fish and Wildlife Service, 4696 Overland Road, Room 576, Boise, Idaho, 83705. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Idaho State Supervisor (see ADDRESSES section), at 208/334-1931.

SUPPLEMENTARY INFORMATION:**Background**

Section 4(b)(3)(B)(iii) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), provides that the Service may make "warranted but precluded" findings on petitions to revise the Lists of Endangered and Threatened Wildlife and Plants if an immediate proposed rule is precluded by other pending proposals. Section 4(b)(3)(C)(i) of Act requires that any petition for which a 12-month finding of "warranted but

precluded" is made should be treated as if it was resubmitted on the date such finding was made. As a result, the Service must make one of the findings described in section 4(b)(3)(B) within 12 months of the most recent "warranted but precluded" finding (50 CFR 424.14(b)(4)). On June 10, 1994 the Service published a notice of petition finding (59 FR 30254) that determined listing a distinct vertebrate population segment of bull trout (*Salvelinus confluentus*) residing in the conterminous United States is "warranted, but precluded" due to other higher priority listing actions. This finding was made on a petition received October 30, 1992 from the Alliance for the Wild Rockies, Inc., Friends of the Wild Swan, and Swan View Coalition requesting that the bull trout be listed as an endangered species throughout its range. The Service determined that the threats facing the bull trout were imminent but of moderate magnitude. Therefore, in accordance with the Service's listing priority system (48 FR 43098), the listing priority number assigned to this population was 9.

Following the June 10, 1994 "warranted but precluded" finding (59 FR 30254), the Service solicited and continued to evaluate new information regarding the status of bull trout, as well as information pertinent to the present and future threats facing the species. In January 1995, the Service reevaluated the listing priority for the bull trout in the conterminous United States. At this time, there was uncertainty over the status of pending State and Federal actions, such as PACFISH and a new emphasis on timber harvest proposals in areas damaged by fires and insects. Following this reevaluation, the Service concluded that threats previously considered moderate in several watersheds were now of high magnitude and that the majority of the populations were subject to imminent threats of high magnitude. On January 31, 1995, the service elevated the listing priority for the species from 9 to 3.

In evaluating the current status of the bull trout to make the required annual recycled petition finding, information received from a variety of agency and private sources has been fully considered. The Service has carefully assessed the best scientific and commercial information available and has determined that sufficient information exists on the biological vulnerability and threats to the species to continue to support a warranted finding to list bull trout within the conterminous United States. While some of the remaining bull trout populations appear to be stable, all

populations with one exception face one or more threats that may result in their future decline.

In conjunction with the determination that listing the bull trout within the conterminous United States was warranted, the Service evaluated the magnitude and imminence of threats faced by bull trout populations in over 60 watersheds in the course of assigning a priority for listing. While watersheds may contain several populations, the Service used watersheds as the evaluation units because in most cases threats in a watershed apply to all populations.

Actions recently taken at both the Federal and State levels are beginning to reverse the long-term decline of bull trout. The Forest Service and Bureau of Land Management, by implementing the President's Forest Management Plan, PACFISH, the Inland Native Fish Strategy and the Eastside Columbia Basin Environmental Impact Statements' recommendations, have initiated activities that will reduce the magnitude of threats to bull trout. In addition, the States of Idaho, Montana, Oregon, and Washington, through their development of bull trout protection agreements, are setting in place activities that will assist the recovery of the bull trout. The Service believes that these activities provide conservation actions and management strategies that will recover and sustain populations of the bull trout.

Based on an evaluation of the bull trout's status in the known watersheds of occurrence and actions undertaken by Federal agencies and the States, the Service's evaluation has determined that the majority of bull trout populations within the conterminous United States faces imminent threats of moderate magnitude. Therefore, bull trout populations residing within the conterminous United States have been assigned a listing priority number of 9.

Recently enacted legislation (P.L. 104-6) imposed a listing moratorium of the remainder of Fiscal Year 1995, and rescinded \$1.5 million from the Service's Fiscal Year 1995 listing funds. In response to this legislation, the Service will focus its limited resources on category 1 species, especially those with listing priority numbers of 2 or 3. Therefore, a listing proposal for bull trout in the conterminous United States remains "warranted but precluded."

Section 4(b)(3)(B)(iii) of the Act provides that the Service may make "warranted but precluded" findings only if it can demonstrate that expeditious progress is being made on other listing actions. Since October 1, 1993, the Service has proposed the