list of sensitive plants. The Forest Service has authority to develop and implement management practices to insure sensitive species do not become threatened or endangered because of Forest Service actions. The Forest Service also has authority to require that new project proposals in or near Lathyrus grimesii populations on Forest Service lands contain mitigation measures to insure population stability. Since the petition was received by the Fish and Wildlife Service, Humboldt National Forest has initiated various conservation activities involving Lathyrus grimesii, including population monitoring and seed collection. They have also expressed willingness to develop and implement a conservation agreement and strategy for Lathyrus grimesii (Jim Nelson, in litt. 1994). The species currently receives no protection by the State of Nevada, therefore, no regulatory mechanisms are in place to protect its populations or habitats on private lands. Major threats to populations located on private lands have not been identified.

Prior to the discovery of new populations of *Lathyrus grimesii*, the limited distribution of the species in the Dorsey Creek drainage and its occurrence on steep, unstable slopes indicated the species was vulnerable to stochastic extinction through natural or human-induced catastrophic events such as landslides and erosion. Recent discoveries of the species in multiple drainages indicates that stochastic extinction is unlikely.

The presence of exotic weeds within populations of *Lathyrus grimesii* may pose a threat to individual populations, but currently do not pose a threat to the continued existence of the species. The noxious *Euphorbia esula* (weed leafy spurge) was discovered in one *Lathyrus grimesii* population in the Deep Creek drainage, and *Bromus tectorum* (cheatgrass) was present in at least half of the populations surveyed in 1994. Presence of noxious weeds in these areas may be attributable to poor range condition.

After review of all scientific and commercial information available on *Lathyrus grimesii*, the Service has determined that listing *Lathyrus grimesii* is not warranted at this time. This decision is based on information contained in the petition and otherwise available to the Service at the time the 12-month finding was made. The Service recognizes that additional information on biology, threats to populations and habitats, and future conservation actions is necessary to keep track of the species' status. *Lathyrus grimesii* is, thus, retained in

category 2 candidate status until sufficient information becomes available to base a decision on whether to retain or delete the species from the list of candidates. If additional data become available in the future, the Service may reassess the need for listing.

Author. The primary author of this document is Janet Bair (see **ADDRESSES** section above).

Authority

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

Dated: May 2, 1995.

Mollie H. Beattie,

Director, Fish and Wildlife Service.

[FR Doc. 95–14357 Filed 6–9–95; 8:45 am]

BILLING CODE 4310-55-M

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List the Oahu Elepaio From the Island of Oahu, Hawaii, With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to add the Oahu elepaio (Chasiempis sandwichensis gayi) to the List of Endangered and Threatened Wildlife under the Endangered Species Act of 1973 as amended. The Service finds that the petition presents substantial information indicating that listing this species may be warranted. A status review is initiated and a 12-month finding will be prepared. In addition, the Service is requesting comments on the petition to designate critical habitat for the species.

DATES: The finding announced in this document was made on May 23, 1995. Information and comments concerning this petition finding must be submitted by August 11, 1995 to be considered in the status review of this species.

ADDRESSES: Send comments and materials concerning this petition to Robert P. Smith, Ecoregion Manager, Pacific Islands Ecoregion, U.S. Fish and Wildlife Service, 300 Ala Moana Boulevard, Room 6307, P.O. Box 50167, Honolulu, Hawaii 96850. The petition

finding, supporting data, comments, and

materials received will be available for

public inspection, by appointment,

during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert P. Smith (see ADDRESSES section) (808–541–2749).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973 as amended (16 U.S.C. 1531 et seq.), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. This finding is to be based on the best scientific and commercial information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the Service finds that a petition presents substantial information indicating that a requested action may be warranted, then the Service initiates a status review on that species, which results in a finding that the petitioned action is unwarranted, warranted, or warranted but precluded due to pending proposals to list other species. In addition, upon receiving a petition to designate critical habitat the Service is to promptly conduct a review in accordance with the Administrative Procedure Act and applicable Department of Interior regulations.

The Service has made a 90-day finding on a petition to list Oahu elepaio (Chasiempis sandwichensis gayi). On March 22, 1994, the Service received a petition dated March 21, 1994, from Mr. Vaughn Sherwood of Honolulu, Hawaii, to list the Oahu elepaio (Chasiempis sandwichensis gayi) as an endangered or threatened species with critical habitat. The Oahu elepaio is an endemic subspecies in the family Muscicapidae (Old world flycatchers) found only on the island of Oahu, Hawaii (Berger 1981, Pratt et al. 1987). Threats to the species include habitat degradation and exotic diseases, predators, and competitors.

The Service has reviewed the petition, literature cited in the petition, other available literature and information, and consulted with biologists familiar with the Oahu elepaio. On the basis of the best scientific and commercial information available, the Service finds the petition presents substantial information that listing this taxon may be warranted. This finding is based upon the following information: