

portion of its range may be listed as an endangered species under the Act. The term "species" is defined in 16 U.S.C. 1532 (16) as including "any subspecies * * * and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." Thus the first deliberation is whether the Olympic mudminnow in the Grass Lake/Green Cove Creek Basin is a recognized subspecies or distinct population that interbreeds.

The Service has considered two factors in determining whether this population would be eligible for listing as a distinct population segment:

1. The discreteness of the population segment in relation to the remainder of the species, and

2. The significance of the population segment to the species.

While the petitioner cited a 1994 letter from Dr. Theodore W. Pietsch (College of Ocean and Fishery Sciences, University of Washington) as evidence of the discreteness and significance of the Grass Lake/Green Cove Creek population, Pietsch only speculated in his letter about the "apparently long-term geological and genetic isolation" of this population. He also noted that the reality of whether this population represents "an 'evolutionary significant unit' * * * should be explored further using modern genetic techniques." In this regard, the petitioner does not present, nor is the Service aware of any

information indicating the genetic, morphological, or behavioral distinctness of the Olympic mudminnow from the Grass Lake/Green Cove Creek Basin.

Further, Congress directed that the listing of populations be used " * * * sparingly." Therefore, in addition to meeting the criteria for distinctness, the Service should consider a population's biological and ecological significance to the species as a whole. No evidence was presented to suggest that the loss of the mudminnows in Green Cove Creek would result in a significant gap in the range of the Olympic mudminnow, nor that this population occurs in an unusual or unique setting.

The Service concludes that the data contained in the petition, referenced in the petition, and otherwise available to the Service does not present substantial information that the requested action may be warranted since the Grass Lake/Green Cove Creek Basin population of Olympic mudminnows would not be eligible for listing as a distinct population. The Olympic mudminnow is recognized as a category 2 candidate species (59 FR 58999, November 15, 1994), and has been since the Service's December 30, 1982, Notice of Review (47 FR 58454). The Olympic mudminnow has been the subject of an ongoing status review since the 1982 Notice of Review. The Service will retain this species as a category 2

candidate, and will continue to seek information regarding the status or threats to the species. If additional data become available in the future, the Service may reassess the listing priority for this species or the need for listing.

References Cited

Harris, C.K. 1974. The geographical distribution and habitat of the Olympic mudminnow, *Novumbra hubbsi*. Unpublished report, College of fisheries, Univ. of Wash., Seattle.

Meldrim, J.W. 1968. The ecological zoogeography of the Olympic mudminnow (*Novumbra hubbsi*, Schultz). Ph.D. dissertation, Univ. of Wash., Seattle.

Wydoski, R.S. and R.R. Whitney. 1979. Inland Fishes of Washington. Univ. of Wash. Press, Seattle, Washington.

Author. The primary author of this document is Shelley Spalding of the Ecological Services Office in Olympia, Washington (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1972, as amended (16 U.S.C. 1531 *et seq.*).

Dated: May 23, 1995.

Bruce Blanchard,

Acting Director, U.S. Fish and Wildlife Service.

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