

innovative solutions for achieving compliance. After considering all relevant factors, including the need to allocate and prioritize scarce agency resources to best accomplish the agency's safety mission, the agency has decided to deny the petition.

**Authority:** 49 U.S.C. 30103, 30162; delegation of authority at 49 CFR 1.50 and 501.8.

Issued on: July 12, 1995.

**Barry Felrice,**

*Associate Administrator for Safety Performance Standards.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Say's Spiketail Dragonfly as Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** The Fish and Wildlife Service (Service) announces a 12-month finding for a petition to list the Say's spiketail dragonfly (*Cordulegaster sayi*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing this species is not warranted.

**DATES:** The finding announced in this document was made on June 20, 1995.

**ADDRESSES:** Comments or questions concerning this petition should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 6620 Southpoint Drive South, Suite 310, Jacksonville, Florida 32216. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Dr. Michael M. Bentzien, Assistant Field Supervisor, at the above address (904/232-2580).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the Lists of Endangered and Threatened Wildlife and Plants that contains substantial

scientific or commercial information, the Service make a finding within 12 months of the date of receipt of the petition on whether the petitioned action is (a) not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending proposals of higher priority. Section 4(b)(3)(C) of the Act requires that petitions for which the requested action is found to be warranted but precluded should be treated as though resubmitted on the date of such finding, i.e., requiring a subsequent finding to be made within 12 months. Such 12-month findings shall be published promptly in the **Federal Register**.

On February 15, 1994, the Service received a petition dated January 13, 1994, from Ms. Nancy Fraser Williams on behalf of the Rock Creek Owners' Association, Gainesville, Florida, to list the Say's spiketail dragonfly (*Cordulegaster sayi*) as endangered. A 90-day finding was made by the Service that the petition presented substantial information indicating that the requested action may be warranted. The 90-day finding was announced in the **Federal Register** on October 26, 1994 (59 FR 53776). The finding also announced the Service's formal review of the species' status and solicited information and public comment regarding population trends, biological vulnerability, and threats to this species. Comments and information received by December 27, 1994, were considered in the 12-month finding.

On the basis of the best available scientific and commercial information, the Service finds that listing the Say's spiketail dragonfly is not warranted at the present time.

The earliest description of this dragonfly was made by Selys (1854) from a British Museum specimen taken in Georgia. Westfall (1953) reported three males collected at Lake City in 1896 and 1897 as the first specimens from Florida. Westfall and Johnson (unpublished) attributed additional state records to misidentifications with congeneric species. Their review demonstrated that the only known specimens of *Cordulegaster sayi* in existence were collected from eight specific historic sites in either Georgia or Florida. The current range includes central Georgia to northern and western Florida. Rock Creek is the best described and most productive of the eight historic sites. Sites on public land include Gordonia-Altamaha State Park in Georgia; Gold Head Branch and Torreya State Parks, San Felasco Hammock State Preserve, and Blackwater River State Forest in Florida.

Besides Rock Creek, private land sites include Lake City, Columbia County, and Camp Crystal Lake, Clay County, Florida. Approximately a dozen specimens have been collected from these other sites. The most recent collections were made in 1994 from Blackwater River State Forest. Kroetzer and Kroetzer (unpublished) collected a specimen from Conecuh National Forest in Alabama in 1994 which has characteristics of both *Cordulegaster sayi* and its congener *C. bilineata*.

Say's spiketail dragonfly is associated with trickling hillside seepages in deciduous forests (Dunkle 1989). Adults have been collected from late February through late April in open areas within about a half mile of seepage breeding sites (Westfall and Mauffray 1994). Westfall (pers. comm. 1994) collected larvae of various instars from seepage pools and beneath wet leaves within and on the border of the seepage streamlets. Larval collections indicate that the species has a multi-year life cycle (Westfall and Mauffray 1994, Mauffray in litt. 1994).

Two seepages modified by development of the Rock Creek subdivision are the only known adverse habitat changes at this site (Mauffray in litt. 1994). Despite these modifications, Mauffray (Westfall and Mauffray 1994) discovered a sizable population in 1992. The collection of larvae from flooded seeps in 1993 (Westfall and Mauffray 1994) following two successive flood events did not support Mauffray's belief (in litt. 1994) that unflooded seeps are needed as dragonfly refugia for population survival. An observed increase in adult numbers from 1993 to 1994 would also not have been predicted following two consecutive annual floods. The observed fluctuations in adult numbers before and after surrounding land development may therefore be more a function of asynchronous emergence due to the species' presumed multi-year life cycle rather than an adverse response to flooding. Concerns for seepage damage by cattle (Daigle in litt. 1985) and pedestrians and vehicles (V. Compton, Blackwater Forestry Resource Administrator, pers. comm. 1994) in Blackwater River State Forest are the only other known instances rangewide of possible habitat impacts. Despite these observations, two adults were collected in 1994 in the vicinity of the historic collection site (J. Daigle, Florida Department of Environmental Protection, pers. comm., 1994).

Between 1970 and 1994, Mauffray (in litt. 1994) conservatively estimated that collecting had removed over 140 adult specimens from Rock Creek. This level