may adversely affect densities of this species by feeding on the frogs and their eggs.

D. The Inadequacy of Existing Regulatory Mechanisms

The guajón is not currently protected by Commonwealth regulations. Federal listing will provide immediate protection for the species and enhance its protection and possibilities for funding needed research.

E. Other Natural or Manmade Factors Affecting Its Continued Existence

The decline in populations of amphibians has become apparent globally. Factors which may be responsible for the decline of amphibians include: habitat destruction and modification, acid rain, pesticide contamination, introduction of nonnative predators and competitors, agriculture, mining and logging, increased levels of ultraviolet radiation, collection, and global climatic change (Wake and Morowitz 1991).

Flash floods, droughts, and catastrophic storms, such as Hurricane Hugo which occurred in 1989, may have caused localized extirpations of other species of *Eleutherodactylus* in specific areas in Puerto Rico (Burrowes and Joglar 1991, Joglar 1992). Hurricane Hugo negatively affected the abundance of *E. portoricensis*, a species which is not abundant and is restricted in distribution (Joglar and Burrowes 1991). The guajón is endemic to Puerto Rico and extremely restricted in distribution, it is known only from the southeastern part of the island.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list *Eleutherodactylus cooki* as threatened. Since the species is extremely restricted in distribution and specialized in habitat. Activities such as dam and road construction and land conversion to agriculture threaten to significantly reduce available habitat. While not in immediate danger of extinction, the guajón is likely to become an endangered species in the foreseeable future if present threats continue. The reasons for not proposing critical habitat for these species are discussed below in the "Critical Habitat" section.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection and; (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. The Service finds that the designation of critical habitat is not prudent for the guajón. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

While collection has not been documented as contributing to the decline of the guajón specifically, large numbers of other Eleutherodactylus species, including several identified as species at risk, have been documented in scientific collections. Collection of Eleutherodactylus sp. has been documented for use by local artisans, and such collection is currently under evaluation by the Commonwealth government for possible regulation. In addition, due to appearance of the animal, Rivero (1978) stated that local people were fearful of them. This fear could lead to killing of guajón.

The guajón is rare and restricted in range, and taking for scientific purposes and private collection would pose a serious threat to the species if specific site information were released. The publication of critical habitat maps in the Federal Register and local newspapers and other publicity accompanying critical habitat designation would likely increase the collection threat and increase the potential for vandalism if such designation were proposed. The Service believes, therefore, that the identification of critical habitat may increase the threat to the species. The locations of populations of this species

have consequently been described only in general terms in this proposed rule. Any existing precise locality data would be available to appropriate Federal, State, and local government agencies from the Service office described in the **ADDRESSES** section.

Regulations promulgated for implementing section 7 of the Act provide for both a jeopardy standard, based on listing alone, and for a destruction or adverse modification standard, in cases where critical habitat has been designated. The guajón occupies an extremely restricted geographic area in Puerto Rico and, once listed, the Service believes that protection of guajón habitat can be accomplished through the section 7 jeopardy standard, and through section 9 prohibitions against take.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Endangered Species Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in conservation actions by Federal, Commonwealth, and private agencies, and individuals. The Act provides for possible land acquisition and cooperation with the Commonwealth and requires that recovery actions be carried out for all listed species. Such actions are initiated by the Service following listing. The protection required of Federal agencies and the prohibitions against taking and harm are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a species proposed for listing or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2)requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of the species or destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service.