Federal agency actions that may require conference and/or consultation as described in the preceding paragraph include: the Army Corps of Engineers and/or National Resource Conservation Service (previously Soil Conservation Service) involvement in the construction of a reservoir; Farmer's Home Administration funding of water, sewer, and power lines as well as residential developments; and the Federal Highway Administration's involvement in the construction of small roads and a major highway through the area.

The Act and its implementing regulations set forth a series of general trade prohibitions and exceptions that apply to all threatened wildlife. The prohibitions, codified at 50 CFR 17.21 and 17.31, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect; or to attempt any of these), import or export, ship in interstate commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to agents of the Service and Commonwealth conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, permits are also available for zoological exhibition, educational purposes, or special purposes consistent with the purposes of the Act. Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits may be addressed to the Service's Southeast Regional Office, 1875 Century Boulevard, Atlanta, Georgia 30345 (404/ 679 - 7110).

It is the policy of the Service (59 FR 34272) to identify to the maximum extent practicable those activities that would or would not constitute a violation of section 9 of the Act at the time of listing. The intent of this policy is to increase public awareness of the effect of listing on proposed or ongoing activities. The only known populations of guajón are located on privatelyowned land. The Service believes that, based on the best available information, the following actions will not result in a violation of section 9, provided these activities are carried out in accordance with existing regulations and permit requirements:

(1) Momentary moving of an individual guajón out of danger (*e.g.,* road, path);

(2) Possession of legally acquired guajón, under Service-approved permitted conditions; and

(3) Federally approved projects that involve activities, such as, dam and road construction, earth movement for agricultural activities and rural development, or diversion or alteration of surface or ground water flow into or out of grottoes (*e.g.*, due to roads, impoundments, discharge pipes, storm water detention basins, etc.), when such activity is conducted in accordance with any reasonable and prudent measures given by the Service in accordance with section 7 of the Act.

Activities that the Service believes could potentially result in "take" of the guajón, include, but are not limited to:

(1) Unauthorized collecting or capture of the species, except as noted above to momentarily move an individual out of harm's way;

(2) Purposeful introduction of exotic species, such as cats, rats and mongoose, that may adversely affect densities of this species by feeding on adults or eggs;

(3) Unauthorized destruction/ alteration of the species' habitat (*e.g.*, rock removal, discharge of fill materials, earth movement for agricultural activities and rural development, or diversion or alteration of surface or ground water flow into or out of grottoes) when such activity is not conducted in accordance with section 7 of the Act;

(4) Pesticide applications in violation of label restrictions; and

(5) Discharges or dumping of toxic chemicals, silt, or other pollutants into areas supporting this species.

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Caribbean Field Office (see **ADDRESSES** section). Requests for copies of the regulations on listed species and inquiries regarding prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Ecological Services (TE), 1875 Century Boulevard, Atlanta, Georgia 30345–3301 (404/679–7096).

Public Comments Solicited

The Service intends that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning any aspect of this proposed rule are hereby solicited. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to the guajón;

(2) The location of any additional populations of this species, and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution and population size of this species; and

(4) Current or planned activities in the subject areas and their possible impacts on this species.

Final promulgation of the regulation on the guajón will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Endangered Species Act provides for one or more public hearings on this proposal, if requested. Requests must be filed within 45 days of the publication of the proposal in the Federal Register. Such requests must be made in writing and addressed to the Field Supervisor, Caribbean Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622.

National Environmental Policy Act

The Fish and Wildlife Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

References Cited

- Burrowes, P.A., and R.L. Joglar. 1991. A survey of the population status and an ecological evaluation of three Puerto Rican frogs. *In* J.A. Moreno, ed., Status y Distribución de los Anfibios y Reptiles de Puerto Rico. Publ. Cien. Misc. No.1. pp. 42–46. Departamento de Recursos Naturales y Ambientales, San Juan, Puerto Rico.
- Drewry, G.E. 1986. Golden coqui recovery survey and brief status evaluation of five other Puerto Rican *Eleutherodactylus* species. Trip report prepared for the Caribbean Field Office, U.S. Fish and Wildlife Service. 49 pp.
- Hedges, S.B. 1989. Evolution and biogeography of West Indian frogs of the genus *Eleutherodactylus:* slow-evolving