

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 State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife species under certain circumstances. Regulations governing permits are at 50 CFR 17.22 and 17.23. 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.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable at the time of listing those activities that would constitute a violation of Section 9 of the Act. The intent of this policy is to increase public awareness of the listing on proposed and on-going activities within a species' range. Activities that could potentially result in "take" of the spruce-fir moss spider include, but are not limited to, unauthorized collecting or handling of the spider, unauthorized pesticide applications within the occupied habitat of the spider, or intentional or unauthorized destruction of the species' habitat (e.g., burning or forest clearing within the occupied range of the species; trampling or other disturbance of the moss mats within which the species occurs, etc.).

Questions regarding whether specific activities will constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Asheville Office (see **ADDRESSES** section). Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits should be addressed to the U.S. Fish and Wildlife Service, Southeast Regional Office, Ecological Services, Division of Endangered Species, 1875 Century Boulevard, Atlanta, Georgia 30345-3301 (Telephone 404/679-7099; Facsimile 404/679-7081).

National Environmental Policy Act

The Fish and Wildlife Service has determined that Environmental Assessments and Environmental Impact Statements, 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

- Amman, G. D. and C. F. Speers. 1965. Balsam woolly aphid in the southern Appalachians. *Journ. For.* 63:18-20.
- Bruck, R. I. 1988. Research site: Mount Mitchell (southern Appalachians). Decline of the red spruce and Fraser fir. IN: B. Krahel-Urban, H. E. Papke, K. Peters, and C. Shimanski (eds.). *Forest Decline*. U.S. Environmental Protection Agency and German Ministry of Research and Technology. 137 pp.
- Coyle, F. A. 1981. The mygalomorph genus *Microhexura* (Araneae, Dipluridae). *Bull. Amer. Mus. Nat. Hist.* 170:64-75.
- Coyle, F. A., 1985. Observations on the mating behavior of the tiny mygalomorph spider, *Microhexura montivaga* Crosby & Bishop (Araneae, Dipluridae). *Bull. Brit. Arach. Soc.* 6(8):328-330.
- Crosby, C. R., and S. C. Bishop. 1925. Two new spiders from the Blue Ridge Mountains of North Carolina (*Araneina*). *Ent. News.* 36:142-146, Figs. 1 and 2.
- Eagar, C. 1984. Review of the biology and ecology of the balsam woolly aphid in southern Appalachian spruce-fir forests. IN: P. S. White (ed.), *The southern Appalachian spruce-fir ecosystem: its biology and threats*. Research/Resources Management Report SER-71. U.S. Dept. of Interior, National Park Service.
- Frankel, O. H., and M. E. Soule. 1981. *Conservation and evolution*. Cambridge University Press, Cambridge, England.
- Greenway, J. C., Jr. 1967. *Extinction and vanishing birds of the world*. Dover Publications, New York.
- Harp, J. M. 1991. Status of the spruce-fir moss spider, *Microhexura montivaga* Crosby and Bishop, in the Great Smoky Mountains National Park. Unpubl. report to the National Park Service, U.S. Department of the Interior. 12 pp. plus appendix.
- Harp, J. M. 1992. A status survey of the spruce-fir moss spider, *Microhexura montivaga* Crosby and Bishop (Araneae, Dipluridae). Unpubl. report to the North Carolina Wildlife Resources Commission, Nongame and Endangered Wildlife Program, and the U.S. Fish and Wildlife Service, Asheville, North Carolina. 30 pp.
- Johnson, A. H., S. B. McLaughlin, M. B. Adams, E. R. Cook, D. H. DeHayes, C. Eagar, I. J. Fernandez, D. W. Johnson, R. J. Kohut, V. A. Mohnen, N. S. Nicholas, D. R. Peart, G. A. Shier, and P. S. White. 1992. Synthesis and conclusions from epidemiological and mechanistic studies of red spruce decline. IN: C. Eagar and M. B. Adams (eds.) *Ecology and decline of red spruce in the eastern United States*. Springer-Verlag, New York.
- Kotinsky, J. 1916. The European fir trunk louse, *Chermes (Dreyfusia) piceae* (Ratz.). *Ent. Proc. Soc. Washington* 18:14-16.
- Peart, D. R., N. S. Nicholas, S. M. Zedaker, M. Miller-Weeks, and T. G. Siccama. 1992. Condition and recent trends in high-elevation red spruce populations. IN: C. Eagar and M. B. Adams (eds.) *Ecology and decline of red spruce in the eastern United States*. Springer-Verlag, New York.
- Speers, C. F. 1958. The balsam woolly aphid infestation on cambial activity in *Abies grandis*. *Amer. Jour. Bot.* 54:1215-1223.

Author

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List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

2. Section 17.11(h) is amended by adding the following, in alphabetical order under ARACHNIDS, to the List of Endangered and Threatened Wildlife, to read as follows:

§ 17.11 Endangered and threatened wildlife.

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