

threatened species. Institution of improved livestock grazing practices in the upper watershed through the section 7 consultation process for the Sonoran chub has lessened the threat of impacts to *D. tentaculoides* from erosion and sedimentation. There is no evidence that grazing by cattle entering the U.S. from Mexico has reduced the size of the Sycamore Canyon population. The discovery of two additional populations has reduced the threat that a natural event which could extirpate a population could cause extinction of the species. The available information indicates that the degree of the threats to *D. tentaculoides* does not warrant issuance of a proposed rule nor continuation of candidate status for this species.

Until 1995, *Astragalus oophorus* var. *clokeyanus* (Clokey's eggvetch) was believed to occur at only 13 sites in the Spring Mountains in Nevada. The taxon was considered to be threatened primarily by recreational activities at the U.S. Forest Service's Spring Mountains National Recreation Area, by military activities and feral horses at the Nellis Air Force Range, and by military and energy projects at the Department of Energy's Tonopah Test Range and Nevada Test Site. Since 1995, 15 additional populations have been discovered. Also, conservation actions and policies to protect *A. oophorus* var. *clokeyanus* on Forest Service, Air Force, and Department of Energy lands are now in place and are being implemented. Based on this information, continuation of candidate status for this taxon is not warranted.

Author

This notice was compiled from materials supplied by staff biologists located in the Service's regional and field offices. The materials were compiled by Martin J. Miller, Division of Endangered Species (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended, 16 U.S.C. 1531 *et seq.*

Dated: March 30, 1998.

Jamie Rappaport Clark,

Director, U. S. Fish and Wildlife Service.
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: New 12-month Finding for a Petition to List the Utah Wasatch Front and West Desert Populations of Spotted Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of new 12-month petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a new 12-month finding for a petition to list the Wasatch Front population (Utah) and West Desert population (Utah) of the spotted frog (*Rana luteiventris*) under the Endangered Species Act of 1973, as amended. After review of all available scientific and commercial information, the Service finds that listing these two distinct vertebrate populations of spotted frog is not warranted at this time. This finding supersedes the previous 12-month petition finding that found the listing of these two populations to be warranted but precluded by higher priority listing actions. Prior and subsequent to publication of the warranted but precluded finding, the State of Utah and other cooperating agencies began implementing significant recovery actions to reduce or remove species' threats. More recently the State of Utah and other agencies developed the Spotted Frog Conservation Agreement to ensure that additional conservation measures and recovery actions needed for the frog's continued existence and recovery are initiated and carried out. The Service finds that a mechanism has been put in place that sufficiently protects the Wasatch Front and West Desert populations of spotted frog and that ongoing actions, including those identified in the Conservation Agreement, have substantially reduced threats to the spotted frog populations in Utah such that they will not become endangered within the foreseeable future and, therefore, do not warrant listing pursuant to the Act at this time.

DATES: The finding announced in this document was made on March 27, 1998.

ADDRESSES: Data, information, comments, or questions concerning this notice should be sent to the Field Supervisor, Utah Field Office, Ecological Services, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The complete administrative file for this

finding is available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Janet A. Mizzi, Fish and Wildlife Biologist, Utah Field Office (see ADDRESSES above), telephone (801) 524-5001.

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 the Service make a finding on whether a petition to list, delist or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action is: (a) Not warranted; (b) warranted; or (c) warranted but precluded from immediate proposal by other pending listing proposals of higher priority.

On May 1, 1989, the Service received a petition from the Board of Directors of the Utah Nature Study Society requesting the Service add the spotted frog (then referred to as *Rana pretiosa*) to the List of Threatened and Endangered Species and to specifically consider the status of the Wasatch, Utah, population. The Service subsequently published a notice of a 90-day finding in the **Federal Register** (54 FR 42529) on October 17, 1989, and a notice of the 12-month petition finding in the **Federal Register** (58 FR 27260) on May 7, 1993. In the 12-month petition finding the Service found that listing of the spotted frog as threatened in some portions of its range was warranted but precluded by other higher priority listing actions. The Service found, based on geographic and climatic separation and supported by genetic separation, five distinct vertebrate populations of spotted frog. Listing of both the populations occurring in Utah, the Wasatch Front and West Desert populations, was found to be warranted but precluded and both populations were designated as candidates for listing. The Wasatch Front population was assigned a listing priority number of 3 because the magnitude of the threats were high and imminent, while the West Desert population was assigned a listing priority of 9 because of moderate to low threats.

The spotted frog belongs to the family of true frogs, the Ranidae. Adult frogs have large, dark spots on their backs and pigmentation on their abdomens ranging from yellow to red (Turner 1957). Spotted frogs along the Wasatch Front generally possess a salmon color ventrally, while West Desert and Sanpete County, Utah, populations

generally have a yellow to yellow-orange color ventrally. Spotted frogs in Utah are reported to have fewer and lighter colored spots (Colburn, U.S. Fish and Wildlife Service, pers. comm. 1992) than other populations. The spotted frog is closely associated with water (Dumas 1966, Nussbaum et al. 1983). Habitat includes the marshy edges of ponds, lakes, slow-moving cool water streams and springs (Licht 1974; Nussbaum et al. 1983; Morris and Tanner 1969; Hovingh 1987). The present distribution of the spotted frog includes a main population in southeast Alaska, Alberta, British Columbia, eastern Washington, northeastern Oregon, northern and central Idaho, and western Montana and Wyoming. Additional disjunct populations occur in northeastern California, southern Idaho, Nevada, Utah, and western Washington and Oregon.

The Services' warranted but precluded finding identified that habitat loss and modification from reservoir construction and from urban and agricultural developments was a primary cause of the decline in the Wasatch Front population (Dennis Shirley, pers. comm. 1992). The petition finding further identified that, while less habitat loss has occurred with the West Desert population of Utah than with the other southern and western populations, habitat availability is limited. Degradation of spring habitats and water quality from cattle grazing and other agricultural activities in these limited habitats were identified as potential threats to the spotted frog of the West Desert population (Hovingh 1987; Peter Hovingh, pers. comm. 1992; Dennis Shirley, pers. comm. 1992).

On November 28, 1997, the Service announced the availability of a Draft Conservation Agreement for the Wasatch Front and West Desert populations (Utah) of spotted frog (*Rana luteiventris*) for review and comment (62 FR 63375). The Service received a request to extend the comment period, and on December 24, 1997, announced that the comment period on the Draft Conservation Agreement had been extended until January 16, 1998 (62 FR 67398). The Service subsequently signed the Conservation Agreement on February 13, 1998.

The goal of this agreement developed by the Utah Department of Natural Resources in cooperation with the Bureau of Land Management, Bureau of Reclamation, Utah Reclamation Mitigation and Conservation Commission, Central Utah Water Conservancy District, the Confederated Tribes of the Goshute Federation, and the Service, is to ensure the long-term

conservation of spotted frog within its historical range in Utah. Two objectives have been identified as necessary to attain the goal of the Agreement. These are: (1) to eliminate or significantly reduce threats to the spotted frog and its habitat to the extent necessary to prevent the danger that populations will become extinct throughout all or a part of their range in Utah, or the likelihood that these populations will become endangered within the foreseeable future throughout all or a part of their range in Utah; and (2) to restore and maintain a sufficient number of populations of spotted frog and the habitat to support these populations throughout its historical range in Utah to ensure the continued existence of the species. The Conservation Agreement puts in place a mechanism for the recovery of spotted frog by establishing a framework for interagency cooperation and coordination of conservation efforts and setting recovery priorities.

In addition to the Conservation Agreement, the Utah Department of Natural Resources has provided the Service with a letter outlining specific actions and approximate time lines for implementation and/or completion of conservation actions that will occur in the next 18 months. These actions include: (1) Habitat acquisition (990 acres total to benefit spotted frog in the Wasatch Front population); (2) habitat enhancement in the West Desert and Wasatch Front, including protective fencing, springhead re-openings, reseeding of native plants; and (3) range expansion, including reestablishment of spotted frog populations within historic habitat in the Wasatch Front and surveys to assess the distribution of spotted frog in the Bear River drainage. The Bureau of Reclamation has provided the Service with a letter outlining their funding commitment for fiscal year 1998 for use on a spotted frog translocation project in the Wasatch Front. The Bureau will also continue to monitor and maintain ponds adjacent to the Jordanelle wetland for the spotted frog.

Actions taken to date to alleviate the threat of habitat loss to the species have focused on both habitat enhancement and maintenance as well as habitat protection. Since the Service's 1993 warranted but precluded finding numerous habitat enhancement, maintenance and protection activities have occurred. In the West Desert these include: (1) Construction of a cattle enclosure on part of the Gandy Salt Marsh Complex to protect occupied springs; and (2) communications with a private landowner to install cattle enclosures at two additional spring

sites. In Wasatch Front these include: (1) Acquisition of 126.1 acres of riverine/riparian habitat by Utah Reclamation Mitigation and Conservation Commission along the Provo River between Jordanelle Dam and Deer Creek Reservoir as part of the environmental mitigation of the Central Utah Project; (2) acquisition by the Utah Reclamation Mitigation and Conservation Commission of an additional 184 acres of river corridor is currently in progress as part of the environmental mitigation for the Central Utah Project; (3) acquisition of another 681 acres of riparian corridor is being pursued by the Utah Reclamation Mitigation and Conservation Commission between Jordanelle Dam and Deer Creek Reservoir; (4) minimum flows of 50 cubic feet per second were maintained in the Provo River between Jordanelle Dam and Deer Creek Reservoir from 1993 through July 1996 in an interim agreement; (5) a minimum of 125 cfs has been maintained in the Provo River between Jordanelle Dam and Deer Creek Reservoir since 1996; (6) a draft cooperative agreement has been developed for the acquisition of approximately 125 acres of spotted frog occupied wetland habitat to protect the Mona population; and (7) year-long water has been provided to the Jordanelle mitigation ponds to provide habitat for over-wintering spotted frogs. Numerous additional activities and studies are ongoing and/or are planned pursuant to the Conservation Agreement.

The Service believes that the status of the species in Utah has improved. A mechanism has been put in place that sufficiently protects the Wasatch Front and West Desert populations of spotted frog. Completed and ongoing actions, including those identified in the Conservation Agreement, have substantially reduced threats to the spotted frog populations in Utah through control of nonnative species, increased regulatory control, and habitat acquisition, such that the species will not become endangered within the foreseeable future. Furthermore, the Service believes that completed and ongoing conservation actions have resulted in increased habitat enhancement and maintenance, and an increase in the known occupied range, distribution and population size of the species, in both the West Desert and Wasatch Front populations.

The regulatory and management agencies with oversight for the conservation of spotted frog in Utah have worked closely to conserve the species and obtain the goals and objectives outlined in the Conservation

Agreement. The objectives for the West Desert population (one population with an effective population size of 1000 individuals in three out of every five years in each of three subunits, with any and all additional populations maintained with an effective population size of 50 individuals each) are close to being met. In 1997, only one population in the West Desert had an effective population size of less than 50 individuals. Three to five years of monitoring will be required to determine if the objectives have been met. The objectives for the Wasatch Front population are more complex involving three separate management units. However, conservation activities have been completed in each of these management units that has resulted in improved status for the Wasatch Front population, particularly in the Heber Valley population, the largest along the Wasatch Front. Continued implementation of the Conservation Agreement will be monitored closely to ensure improvement in the status of the Wasatch Front population.

The Service has considered the current status of the Wasatch Front and West Desert populations, including evaluating the five listing factors identified in the Act, and has taken into account those efforts being made to protect the species including development of the Conservation Agreement, the extent of implementation of the Conservation Agreement to date, Federal efforts to protect and conserve the species, and the time commitments made by the principal action agencies for completion of conservation actions. The Service believes that a mechanism has been put in place that sufficiently protects the Wasatch Front and West Desert populations of spotted frog and that ongoing actions, including those identified in the Conservation Agreement, have substantially reduced threats to the spotted frog populations in Utah such that they will not become endangered within the foreseeable future and, therefore, no longer warrant listing pursuant to the Act. Furthermore, because the definition of a candidate species, one for which the Service has on file sufficient information on biological vulnerability and threats to support issuance of a proposed rule, no longer applies to the West Desert and Wasatch Front populations of spotted frog, the Service removes these two populations from the candidate species list.

Endangered Species Act Oversight

The Service will continue to monitor these populations of spotted frog

throughout the term of the Conservation Agreement and will maintain oversight. Should the Service deem necessary, an emergency listing of the Wasatch Front and/or West Desert population of spotted frog would not be precluded by the sixty (60) day written notice required to withdraw from the Conservation Agreement. The process for listing the Wasatch Front and/or West Desert populations of spotted frog will be reinitiated if:

1. An emergency which poses a significant threat to the spotted frog is identified and not immediately and adequately addressed;
2. The biological status of the spotted frog is such that it is in danger of extinction throughout all or a significant portion of its range; or
3. The biological status of the spotted frog is such that it is likely to become endangered in the foreseeable future throughout all or a significant portion of its range.

References Cited

A complete list of all references cited is available upon request from the Utah Field Office (see ADDRESSES above).

Authors

The primary author of this document is Janet A. Mizzi (see ADDRESSES above).

Authority

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

Dated: March 27, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 980320071-8071-01; I.D. 012198C]

RIN 0648-AK87

Atlantic Tuna Fisheries; Atlantic Bluefin Tuna Annual Quota Specifications and Effort Controls

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed specifications; request for comments.

SUMMARY: NMFS proposes specifications for the Atlantic tuna fisheries to: Set

annual Atlantic bluefin tuna (ABT) fishing category quotas and General category effort controls. The proposed specifications are necessary to implement the 1996 recommendation of the International Commission for the Conservation of Atlantic Tunas (ICCAT) regarding fishing quotas for bluefin tuna, as required by the Atlantic Tunas Convention Act (ATCA), and to achieve domestic management objectives. NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding these proposed specifications.

DATES: Comments are invited and must be received on or before May 4, 1998.

ADDRESSES: Comments on the proposed specifications should be sent to, and copies of supporting documents, including a Draft Environmental Assessment-Regulatory Impact Review (EA/RIR), are available from, Rebecca Lent, Chief, Highly Migratory Species Management Division, Office of Sustainable Fisheries (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3282.

FOR FURTHER INFORMATION CONTACT: Mark Murray-Brown at 978-281-9260; Sarah McLaughlin at 301-713-2347.

SUPPLEMENTARY INFORMATION: The Atlantic tuna fisheries are managed under the authority of ATCA. ATCA authorizes the Secretary of Commerce (Secretary) to issue regulations as may be necessary to carry out the recommendations of ICCAT. The authority to issue regulations has been delegated from the Secretary to the Assistant Administrator for Fisheries, NOAA (AA).

ICCAT has identified the western stock of ABT as overexploited and recommends fishing quotas for contracting parties. Based on the 1996 revised stock assessment, parties at the 1996 meeting of ICCAT adopted a recommendation to increase the annual scientific monitoring quota of ABT in the western Atlantic Ocean from 2,200 metric tons (mt) to 2,354 mt. The share allocated to the United States was increased from 1306 mt to 1,344 mt to apply each year for the 1997 and 1998 fishing years. NMFS amended the Atlantic tuna fisheries regulations in 1997 to implement that ICCAT recommendation as required by ATCA.

These proposed specifications would implement the ICCAT quota recommendation and allocate the total among the several established fishing categories. NMFS proposes no changes to the baseline quotas established for 1997. However, the ICCAT recommendation allows, and U.S. regulations require, the addition of any