

December 15, 1993, and published December 16, 1993 (58 FR 65695), the ICC proposed to redefine aggregate gross operating revenues for purposes of calculating the \$2 million threshold. The notice of proposed rulemaking included both a revised 49 CFR part 1188 and conforming amendments to 49 CFR parts 1181, 1182, and 1186.

Under new 49 U.S.C. 14303(g), the only remaining jurisdiction analogous to the non-rail portions of former section 49 U.S.C. 11343, motor carriers of passengers must still obtain Board approval for the same transactions that formerly were subject to old 49 U.S.C. 11343, unless the parties' aggregate gross operating revenues do not exceed the same \$2 million jurisdictional threshold of old 49 U.S.C. 11343(d)(1). Other regulatory approval, as was required under former 49 U.S.C. 10926, is no longer required when the parties' aggregate gross operating revenues do not exceed the \$2 million threshold. Consequently, in *Revision to Regulations Governing Finance Applications Involving Motor Passenger Carriers*, STB Ex Parte No. 559 (published elsewhere in this section of the **Federal Register**), we are issuing a new NPR proposing revised procedures for finance applications involving motor carriers of passengers. Because we will consider the jurisdictional threshold computation issue in STB Ex Parte No. 559, we are discontinuing this proceeding. The comments previously filed in this proceeding will be made part of the record in STB Ex Parte No. 559 and need not be refiled.

Environmental And Energy Considerations

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Analysis

This action will not have a significant economic impact on a substantial number of small entities. It imposes no new requirements on any entity, and previous requirements involving carriers other than motor passenger carriers have been repealed by statute.

Decided: June 20, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition To List the Southern California Population of the Mountain Yellow-Legged Frog With Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U. S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the southern California population of the mountain yellow-legged frog (*Rana muscosa*) pursuant to the Endangered Species Act of 1973, as amended (Act). The Service believes that the southern California population is a distinct vertebrate population segment and finds that the petition presents substantial information indicating that listing the species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on June 27, 1997. To be considered in the 12-month finding for this petition, comments and information should be submitted to the Service by August 7, 1997.

ADDRESSES: Data, information, comments, or questions concerning the finding should be submitted to the Field Supervisor, Carlsbad Field Office, U.S. Fish and Wildlife Service, 2730 Loker Avenue West, Carlsbad, California 92008. 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: Paul J. Barrett at the above address or telephone 760/431-9440.

SUPPLEMENTARY INFORMATION: Section 4(b)(3)(A) of the Endangered Species Act of 1973 (Act), 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 may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If the finding is that substantial information was presented, the Service is required to promptly commence a review of the status of the species involved, if one has

not already been initiated under the Service's internal candidate assessment process.

The processing of this petition conforms with the Service's final listing priority guidance published in the **Federal Register** on December 5, 1996 (61 FR 64475). The guidance clarifies the order in which the Service will continue to process the backlog of rulemakings during fiscal year 1997 following two related events: (1) The lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104-6), and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995 and April 1996. The guidance calls for giving highest priority (tier 1) to handling emergency situations, second highest priority (tier 2) to resolving the listing status of the outstanding proposed listings, and third priority (tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions. The processing of this petition falls under tier 3. The guidance states that "effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in tiers 1, 2, and 3" (61 FR 64480).

The Service has made a 90-day finding on a petition to list the southern California populations of the mountain yellow-legged frog (*Rana muscosa*) as threatened or endangered with critical habitat. The petition, dated July 10, 1995, was submitted by D. C. "Jasper" Carlton (of the Biodiversity Legal Foundation), Bonnie M. Dombrowski, and Michael C. Long, and was received by the Service on July 10, 1995. The petitioners clearly identified the document as a petition and the document contained the names, addresses, and signatures of all petitioners. The petitioners submitted biological, distributional, historical, and other information and scientific reference in support of the petition. The Service subsequently received a letter from Mr. Carlton dated December 21, 1995, requesting an emergency listing of this population of the frog. The Service has determined that emergency listing of the petition entity is not warranted. In the petition, the petition entity is referred to as the "southern California 'populations' of mountain yellow-legged frogs". Throughout the finding, we refer to all mountain yellow-legged frogs south of the Tehachapi Mountains as the "southern California population." Groups of individuals within the

southern California population that may be fully or partially reproductively isolated from each other are referred to as "subpopulations" in the finding.

The mountain yellow-legged frog (*Rana muscosa*) is a true frog (family Ranidae). The historic range of the mountain yellow-legged frog in the Sierra Nevada was from southern Plumas County to southern Tulare County. The southern California population, isolated from the Sierran population by the Tehachapi Mountains and a distance of about 225 kilometers (km) (140 miles (mi)), consisted of clusters in the San Gabriel, San Bernardino, and San Jacinto mountains, with a southernmost outpost on Mt. Palomar in northern San Diego County now presumed extinct. Prior to the late 1960's, mountain yellow-legged frogs were abundant in southern California stream drainages. However, the southern California population of mountain yellow-legged frog has probably been extirpated from more than 99 percent of its historic range. The petition and accompanying documentation stated that the species qualifies for designation pursuant to the Act due to potential habitat destruction, the inadequacy of existing regulatory mechanisms, and other natural or human-caused factors affecting its continued existence. The petitioners contend natural and human-induced changes in streamflows, land-use practices, intensive recreation, the introduction on nonnative competitors and predators, random events, and the species' presumed sensitivity to increased ultraviolet radiation all contribute to the decline of the population.

The Service has reviewed the petition and other information available in the Service's files. In an initial review of this information, the Service determined that an emergency listing of the southern California population was not warranted. Based upon additional review, the Service believes that the southern California population of the mountain yellow-legged frog is a distinct vertebrate population segment as defined by Service policy (61 FR 4722) and that substantial evidence exists, in light of the precarious nature of most subpopulations, its rapid decline in southern California, and the wide-ranging threats to the remaining individuals and subpopulations, that listing of this population segment as threatened or endangered may be warranted. When the Service makes a positive finding, it also is required to promptly commence a review of the status of the species. Based upon the available and any newly obtained

information, the Service will issue a 12-month finding as required by Section 4(b)(3)(B) of the Act. Though the petitioners also requested that critical habitat be designated for the southern California population of the mountain yellow-legged frog, the 12-month finding will address this issue.

The Service hereby announces its formal review of the species' status pursuant to this 90-day petition finding. The Service requests any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the southern California population of mountain yellow-legged frog. Of particular interest is information regarding (1) the existence and status of additional subpopulations, (2) environmental factors determining distribution, (3) the impact of altered flow regimes, water quality, land-use practices, and recreation on the species, and (4) genetic variability in known subpopulations.

Author

The primary author of this document is Paul J. Barrett, Carlsbad Field Office (see ADDRESSES section above).

Authority

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

Dated: June 27, 1997.

John G. Rogers,

Acting Director, 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; 90-Day Finding for a Petition To List the Lesser Prairie-Chicken as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for a petition to add the lesser prairie-chicken (*Tympanuchus pallidicinctus*) to the List of Threatened and Endangered Wildlife. The Service finds that the petition presents substantial information indicating that

listing the species as threatened may be warranted. The Service initiates a status review and will prepare a 12-month finding.

DATES: The finding announced in this document was made on July 8, 1997. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by September 8, 1997.

ADDRESSES: Information, comments, or questions should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 222 S. Houston, Suite A, Tulsa, Oklahoma, 74127-8909. The petition finding and supporting data are available for public inspection by appointment during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Jerry Brabander, Field Supervisor (see ADDRESSES section) (telephone 918/581-7458 ext. 224).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (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 to indicate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service is required to promptly commence a review of the status of the involved species if one has not already been initiated under the Service's internal candidate assessment process.

The Service has made a 90-day finding on a petition to list the lesser prairie-chicken (*Tympanuchus pallidicinctus*) as threatened. The petition, dated October 5, 1995 was submitted by the Biodiversity Legal Foundation, Boulder, Colorado and Marie E. Morrissey, and was received by the Service on October 6, 1995. The petitioners requested that the Service list the lesser prairie-chicken as threatened throughout its known historic range in the United States, and that critical habitat be designated as soon as needs of the species are sufficiently well known.

When the Service received the petition it was under a moratorium on listing actions as a result of Public Law 104-6, which, along with a series of