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DEPT. OF LAND &
NATURAL RESOURCES
STATE OF HAWAII

FEDERAL REGISTER

Vol. 76

Wednesday,

No. 207

October 26, 2011

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions; Proposed Rule

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

[Docket No. FWS-R9-ES-2011-0061;
MO- 9221050083-B2]

Endangered and Threatened Wildlife and Plants; Review of Native Species That Are Candidates for Listing as Endangered or Threatened; Annual Notice of Findings on Resubmitted Petitions; Annual Description of Progress on Listing Actions

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of review.

SUMMARY: In this Candidate Notice of Review (CNOR), we, the U.S. Fish and Wildlife Service (Service), present an updated list of plant and animal species native to the United States that we regard as *candidates* for or have proposed for addition to the Lists of Endangered and Threatened Wildlife and Plants under the Endangered Species Act of 1973, as amended. Identification of candidate species can assist environmental planning efforts by providing advance notice of potential listings, allowing landowners and resource managers to alleviate threats and thereby possibly remove the need to list species as endangered or threatened. Even if we subsequently list a candidate species, the early notice provided here could result in more options for species management and recovery by prompting candidate conservation measures to alleviate threats to the species.

The CNOR summarizes the status and threats that we evaluated in order to determine that species qualify as candidates and to assign a listing priority number (LPN) to each species or to determine that species should be removed from candidate status. Additional material that we relied on is available in the Species Assessment and Listing Priority Assignment Forms (species assessment forms) for each candidate species.

Overall, this CNOR recognizes three new candidates, changes the LPN for seven candidates, and removes three species from candidate status. Combined with other decisions for individual species that were published separately from this CNOR in the past year, the current number of species that are candidates for listing is 244.

This document also includes our findings on resubmitted petitions and describes our progress in revising the Lists of Endangered and Threatened Wildlife and Plants (Lists) during the

period October 1, 2010, through September 30, 2011.

We request additional status information that may be available for the 244 candidate species identified in this CNOR.

DATES: We will accept information on any of the species in this Candidate Notice of Review at any time.

ADDRESSES: This notice is available on the Internet at <http://www.regulations.gov> and <http://www.fws.gov/endangered/what-e-do/cnor.html>.

Species assessment forms with information and references on a particular candidate species' range, status, habitat needs, and listing priority assignment are available for review at the appropriate Regional Office listed below in **SUPPLEMENTARY INFORMATION** or at the Office of Communications and Candidate Conservation, Arlington, VA (see address under **FOR FURTHER INFORMATION CONTACT**), or on our Web site (http://ecos.fws.gov/tess_public/pub/SpeciesReport.do?listingType=C&mapstatus=1). Please submit any new information, materials, comments, or questions of a general nature on this notice to the Arlington, VA, address listed under **FOR FURTHER INFORMATION CONTACT**. Please submit any new information, materials, comments, or questions pertaining to a particular species to the address of the Endangered Species Coordinator in the appropriate Regional Office listed in **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: The Endangered Species Coordinator(s) in the appropriate Regional Office(s), or Chief, Office of Communications and Candidate Conservation, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 420, Arlington, VA 22203 (telephone 703-358-2171). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

SUPPLEMENTARY INFORMATION: We request additional status information that may be available for any of the candidate species identified in this CNOR. We will consider this information to monitor changes in the status or LPN of candidate species and to manage candidates as we prepare listing documents and future revisions to the notice of review. We also request information on additional species to consider including as candidates as we prepare future updates of this notice.

You may submit your information concerning this notice in general or for any of the species included in this notice by one of the methods listed in the **ADDRESSES** section.

Species-specific information and materials we receive will be available for public inspection by appointment, during normal business hours, at the appropriate Regional Office listed below under Request for Information in **SUPPLEMENTARY INFORMATION**. General information we receive will be available at the Office of Communications and Candidate Conservation, Arlington, VA (see address under **FOR FURTHER INFORMATION CONTACT**).

Candidate Notice of Review

Background

The Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), requires that we identify species of wildlife and plants that are endangered or threatened, based on the best available scientific and commercial information. As defined in section 3 of the ESA, an endangered species is any species which is in danger of extinction throughout all or a significant portion of its range, and a threatened species is any species which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Through the Federal rulemaking process, we add species that meet these definitions to the List of Endangered and Threatened Wildlife at 50 CFR 17.11 or the List of Endangered and Threatened Plants at 50 CFR 17.12. As part of this program, we maintain a list of species that we regard as candidates for listing. A candidate species is one for which we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened, but for which preparation and publication of a proposal is precluded by higher priority listing actions. We may identify a species as a candidate for listing after we have conducted an evaluation of its status on our own initiative, or after we have made a positive finding on a petition to list a species, in particular we have found that listing is warranted but precluded by other higher priority listing action (see the Petition Findings section, below).

We maintain this list of candidates for a variety of reasons: To notify the public that these species are facing threats to their survival; to provide advance knowledge of potential listings that could affect decisions of environmental planners and developers; to provide information that may stimulate and guide conservation efforts that will remove or reduce threats to these species and possibly make listing unnecessary; to request input from interested parties to help us identify

those candidate species that may not require protection under the ESA or additional species that may require the ESA's protections; and to request necessary information for setting priorities for preparing listing proposals. We strongly encourage collaborative conservation efforts for candidate species, and offer technical and financial assistance to facilitate such efforts. For additional information regarding such assistance, please contact the appropriate Regional Office listed under Request for Information or visit our Web site, <http://www.fws.gov/angered/what-we-do/cca.html>.

Previous Notices of Review

We have been publishing candidate notices of review (CNOR) since 1975. The most recent CNOR (prior to this CNOR) was published on November 10, 2010 (75 FR 69222). CNORs published since 1994 are available on our Web site, <http://www.fws.gov/angered/what-we-do/cnor.html>. For copies of CNORs published prior to 1994, please contact the Office of Communications and Candidate Conservation (see **FOR FURTHER INFORMATION CONTACT** section above).

On September 21, 1983, we published guidance for assigning an LPN for each candidate species (48 FR 43098). Using this guidance, we assign each candidate an LPN of 1 to 12, depending on the magnitude of threats, immediacy of threats, and taxonomic status; the lower the LPN, the higher the listing priority (that is, a species with an LPN of 1 would have the highest listing priority). Section 4(h)(3) of the ESA (15 U.S.C. 1533(h)(3)) requires the Secretary to establish guidelines for such a priority-ranking guidance system. As explained below, in using this system we first categorize based on the magnitude of the threat(s), then by the immediacy of the threat(s), and finally by taxonomic status.

Under this priority-ranking system, magnitude of threat can be either "high" or "moderate to low." This criterion helps ensure that the species facing the greatest threats to their continued existence receive the highest listing priority. It is important to recognize that all candidate species face threats to their continued existence, so the magnitude of threats is in relative terms. For all candidate species, the threats are of sufficiently high magnitude to put them in danger of extinction, or make them likely to become in danger of extinction in the foreseeable future. But for species with higher magnitude threats, the threats have a greater likelihood of bringing about extinction or are expected to bring about extinction on a

shorter timescale (once the threats are imminent) than for species with lower magnitude threats. Because we do not routinely quantify how likely or how soon extinction would be expected to occur absent listing, we must evaluate factors that contribute to the likelihood and time scale for extinction. We therefore consider information such as: The number of populations or extent of range of the species affected by the threat(s) or both; the biological significance of the affected population(s), taking into consideration the life-history characteristics of the species and its current abundance and distribution; whether the threats affect the species in only a portion of its range, and if so the likelihood of persistence of the species in the unaffected portions; the severity of the effects and the rapidity with which they have caused or are likely to cause mortality to individuals and accompanying declines in population levels; whether the effects are likely to be permanent; and the extent to which any ongoing conservation efforts reduce the severity of the threat.

As used in our priority-ranking system, immediacy of threat is categorized as either "imminent" or "nonimminent" and is based on when the threats will begin. If a threat is currently occurring or likely to occur in the very near future, we classify the threat as imminent. Determining the immediacy of threats helps ensure that species facing actual, identifiable threats are given priority for listing proposals over those for which threats are only potential or species that are intrinsically vulnerable to certain types of threats but are not known to be presently facing such threats.

Our priority ranking system has three categories for taxonomic status: Species that are the sole members of a genus; full species (in genera that have more than one species); and subspecies and distinct population segments of vertebrate species (DPS).

The result of the ranking system is that we assign each candidate a listing priority number of 1 to 12. For example, if the threat(s) is of high magnitude, with immediacy classified as imminent, the listable entity is assigned an LPN of 1, 2, or 3 based on its taxonomic status (i.e., a species that is the only member of its genus would be assigned to the LPN 1 category, a full species to LPN 2, and a subspecies or DPS would be assigned to LPN 3). In summary, the LPN ranking system provides a basis for making decisions about the relative priority for preparing a proposed rule to list a given species. No matter which LPN we assign to a species, each species

included in this notice as a candidate is one for which we have sufficient information to prepare a proposed rule to list it because it is in danger of extinction or likely to become endangered within the foreseeable future throughout all or a significant portion of its range.

For more information on the process and standards used in assigning LPNs, a copy of the 1983 guidance is available on our Web site at: <http://www.fws.gov/angered/esa-library/pdf/48fr43098-43105.pdf>. For more information on the LPN assigned to a particular species, the species assessment for each candidate contains the LPN chart and a rationale for the determination of the magnitude and immediacy of threat(s) and assignment of the LPN; that information is summarized in this CNOR.

This revised notice supersedes all previous animal, plant, and combined candidate notices of review.

Summary of This CNOR

Since publication of the previous CNOR on November 10, 2010 (75 FR 69222), we reviewed the available information on candidate species to ensure that a proposed listing is justified for each species, and reevaluated the relative LPN assigned to each species. We also evaluated the need to emergency-list any of these species, particularly species with high priorities (i.e., species with LPNs of 1, 2, or 3). This review and reevaluation ensures that we focus conservation efforts on those species at greatest risk first.

In addition to reviewing candidate species since publication of the last CNOR, we have worked on numerous findings in response to petitions to list species, and on proposed and final determinations for rules to list species under the ESA. Some of these findings and determinations have been completed and published in the **Federal Register**, while work on others is still under way (see *Preclusion and Expeditious Progress*, below, for details).

Based on our review of the best available scientific and commercial information, with this CNOR we identify 3 new candidate species (see New Candidates, below), change the LPN for 7 candidates (see Listing Priority Changes in Candidates, below) and determine that a listing proposal is not warranted for 3 species and thus remove them from candidate status (see Candidate Removals, below). Combined with the other decisions published separately from this CNOR for individual species that previously were candidates, a total of 244 species (including 104 plant and 140 animal

species) are now candidates awaiting preparation of rules proposing their listing. These 244 species, along with the 48 species currently proposed for listing (includes 4 species proposed for listing due to similarity in appearance), are included in Table 1.

Table 2 lists the changes from the previous CNOR, and includes 14 species identified in the previous CNOR as either proposed for listing or classified as candidates that are no longer in those categories. This includes nine species for which we published a final listing rule, one species for which we published an emergency listing rule, one species for which we published a withdrawal of a proposed rule, plus the three species that we have determined do not meet the definition of endangered or threatened and therefore do not warrant listing. We have removed these species from candidate status in this CNOR. Also included in Table 2 are three species for which we published an emergency listing rule due to similarity in appearance; these three species were not previously candidate species.

New Candidates

Below we present a brief summary of one new snail (magnificent ramshorn), one new insect (Poweshiek skipperling), and one new plant candidate (*Streptanthus bracteatus*), which are additions to this year's CNOR. Complete information, including references, can be found in the species assessment forms. You may obtain a copy of these forms from the Regional Office having the lead for the species, or from our Web site (http://ecos.fws.gov/tess_public/pub/SpeciesReport.do?listingType=C&mapstatus=1). For these species, we find that we have on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened, but that preparation and publication of a proposal is precluded by higher priority listing actions (i.e., it met our definition of a candidate species). We also note below that 18 other species—Pacific walrus, gopher tortoise (eastern population), striped newt, 7 species of Hawaiian yellow-faced bees (*Hylaeus anthracinus*, *H. assimulans*, *H. facilis*, *H. hilaris*, *H. kuakea*, *H. longiceps*, and *H. mana*), Hermes copper butterfly, Mt. Charleston blue butterfly, Puerto Rican harlequin butterfly, *Boechera pusilla* (Fremont County rockcress), *Eriogonum soredium* (Frisco buckwheat), *Lepidium ostleri* (Ostler's peppergrass), *Pinus albicaulis* (whitebark pine), *Trifolium friscanum* (Frisco clover)—were identified as candidates earlier this year

as a result of separate petition findings published in the **Federal Register**.

Mammals

Pacific walrus (*Odobenus rosmarus divergens*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on February 10, 2011 (76 FR 7634).

Reptiles

Gopher tortoise, eastern population (*Gopherus polyphemus*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on July 27, 2011 (76 FR 45130).

Amphibians

Striped newt (*Notophthalmus perstriatus*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on June 7, 2011 (76 FR 32911).

Snails

Magnificent ramshorn (*Planorbella magnifica*)—The following summary is based on information in our files. No new information was provided in the petition received on April 20, 2010 (after we initiated our assessment of this species). The magnificent ramshorn is a freshwater snail in the family Planorbidae (Pilsbry 1903). It is the largest North American snail in this family. The magnificent ramshorn is endemic to the lower Cape Fear River basin, North Carolina. The species has been recorded from only four sites in the lower Cape Fear River Basin in New Hanover and Brunswick Counties, North Carolina, but is believed to be extirpated from all four of these sites. The only known surviving population is a captive population, comprised of approximately 100 adults, being maintained and propagated by a private biologist.

Available information indicates that suitable habitat for the species is restricted to relatively shallow, sheltered portions of still or sluggish, freshwater bodies with an abundance and diversity of submerged aquatic vegetation and a circumneutral pH (pH within the range of 6.8–7.5). The only known records for the species are post-1900 and are from manmade millponds constructed in the 1700s to provide a freshwater source for rice agriculture.

However, these impoundments closely replicate beaver-pond habitat, and it is plausible that the species was once a faunal component of beaver ponds. The species may also have once inhabited backwater and other sluggish portions of the main channel of lower Cape Fear River.

Beaver-pond habitat was eliminated for several decades throughout much of the lower Cape Fear River as a result of the extirpation of the North American beaver due to trapping and hunting during the 19th and early 20th centuries. This, together with draining and destruction of beaver ponds for development, agriculture, and other purposes, is believed to have led to a significant decline in the snail's habitat. Also, dredging and deepening of the Cape Fear River channel, which began as early as 1822, and opening of the Atlantic Intercoastal Waterway (through Snow's Cut) in 1930 for navigational purposes have caused saltwater intrusion, altered the diversity and abundance of aquatic vegetation, and changed flows and current patterns far up the river channel and its lower tributaries. Under these circumstances, the magnificent ramshorn could have survived only in areas of tributary streams not affected by salt water intrusion and other changes, such as the millponds protected from saltwater intrusion by their dams. The species is believed to have been eliminated from the millponds from which it has been recorded due to saltwater intrusion during severe storms (Hurricane Fran) and drought conditions, increased input of nutrients and other pollutants from development activities adversely affecting water quality/chemistry and leading to increased nuisance aquatic plant and algae growth, and efforts, harmful to the snail, by landowners to control nuisance plant and algae growth.

While efforts have been made to restore habitat for the magnificent ramshorn at one of the sites known to have previously supported the species, all of the sites known to have previously supported the snail continue to be affected or threatened by most of the same factors (i.e., saltwater intrusion and other water quality degradation, nuisance aquatic plant control, storms, sea level rise, etc.) believed to have resulted in extirpation of the species from the wild. Currently, only a single captive population of the species is known to exist. Although this captive population of the species has been maintained since 1993, a single catastrophic event, such as a severe storm, disease, or predator infestation, affecting this captive population could

result in extinction of the species. Accordingly, the magnitude of the threats to the species' survival is high. The threats are ongoing and therefore imminent. Thus, we have assigned an LPN of 2 to this species.

Insects

Hawaiian yellow-faced bees (*Hylaeus anthracinus*, *H. assimulans*, *H. facilis*, *H. hilaris*, *H. kuakea*, *H. longiceps*, and *H. mana*)—We previously announced candidate status for these species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on September 6, 2011 (76 FR 55170).

Hermes copper butterfly (*Hermelycaena [Lycaena] hermes*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on April 14, 2011 (76 FR 20918).

Mt. Charleston blue butterfly (*Plebejus shasta charlestonensis*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on March 8, 2011 (76 FR 12667).

Puerto Rican harlequin butterfly (*Atlantea tulita*)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on May 31, 2011 (76 FR 31282).

Poweshiek skipperling (*Oarisma poweshiek*)—The following summary is based on information contained in our files. The Poweshiek skipperling is a small butterfly that currently inhabits high-quality tallgrass prairie in Iowa, Minnesota, North Dakota, South Dakota, and Wisconsin and prairie fens in Michigan; it also occurs in the province of Manitoba, Canada. The species is presumed to be extirpated from Illinois and Indiana and from many sites within occupied States.

The Poweshiek skipperling is threatened by degradation of its native prairie habitat by overgrazing, invasive species, gravel mining, and herbicide applications; inbreeding, population isolation, and prescribed fire threaten some populations. Prairie succeeds to shrubland or forest without periodic fire, grazing, or mowing; thus, the species is also threatened at sites where such disturbances are not applied. The Service, State agencies, the Sisseton-

Wahpeton Sioux Tribe, and private organizations (e.g., The Nature Conservancy) protect and manage some Poweshiek skipperling sites. Careful and considered management is always necessary to ensure its persistence, even at protected sites. The species may be secure at a few sites where public and private landowners manage native prairie in ways that conserve Poweshiek skipperling, but approximately one-quarter of the inhabited sites are privately owned with little or no protection. A few private sites are protected from conversion by easements, but these do not preclude adverse effects from overgrazing. The threats are such that the Poweshiek skipperling warrants listing; the threats are high in magnitude because habitat degradation and other stressors has resulted in sharp declines in the western portion of its range which contains more than 90 percent of the species site records. We assigned this species an LPN of 2 to reflect the ongoing, and therefore, imminent threats to the species' habitat and sharp population declines documented recently, especially in Iowa and Minnesota.

Flowering Plants

Boechera pusilla (Fremont County rockcross)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on June 9, 2011 (76 FR 33924).

Eriogonum soredium (Frisco buckwheat)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on February 23, 2011 (76 FR 10166).

Lepidium ostleri (Ostler's peppergrass)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on February 23, 2011 (76 FR 10166).

Pinus albicaulis (whitebark pine)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on July 19, 2011 (76 FR 42631).

Streptanthus bracteatus (bracted twistflower)—The following summary is based on information obtained from our files, on-line herbarium databases,

surveys and monitoring data, seed-collection data, and scientific publications. Bracted twistflower, an annual herbaceous plant of the Brassicaceae (mustard family), is endemic to a small portion of the Edwards Plateau of Texas. From 1989 to 2010, 32 populations have been documented in five counties; of these, 15 populations remain with intact habitat, 9 persist in degraded or partially destroyed habitats, and 8 are presumed extirpated. Only 9 of the intact populations occur in protected natural areas.

The continued survival of bracted twistflower is imminently threatened by habitat destruction from urban development, severe herbivory from very dense herds of white-tailed deer, and the increased density of woody plant cover. Additional ongoing threats include erosion and trampling from foot and mountain-bike trails, a pathogenic fungus of unknown origin, and insufficient protection by existing regulations. Furthermore, due to the small size and isolation of remaining populations and lack of gene flow between them, several populations are now inbred and may have insufficient genetic diversity for long-term survival. The consistent failure of pilot reintroduction efforts has so far prevented the augmentation and reintroduction of populations in protected, managed sites. Optimal vegetation management of bracted twistflower populations may be incompatible with the management of golden-cheeked warbler nesting habitat. The species is potentially threatened by as-yet unknown impacts of climate change. The Service has established a voluntary Memorandum of Agreement with Texas Parks and Wildlife Department, the City of Austin, Travis County, the Lower Colorado River Authority, and the Lady Bird Johnson Wildflower Center to protect bracted twistflower and its habitats on tracts of Balcones Canyonlands Preserve. The threats to bracted twistflower are of moderate magnitude, and are ongoing and, therefore, imminent. We find that bracted twistflower is warranted for listing throughout all of its range and assigned it an LPN of 8.

Trifolium friscanum (Frisco clover)—We previously announced candidate status for this species, and described the reasons and data on which the finding was based, in a separate warranted-but-precluded 12-month petition finding published on February 23, 2011 (76 FR 10166).

Listing Priority Changes in Candidates

We reviewed the LPN for all candidate species and are changing the numbers for the following species discussed below. Some of the changes reflect actual changes in either the magnitude or immediacy of the threats. For some species, the LPN change reflects efforts to ensure national consistency as well as closer adherence to the 1983 guidelines in assigning these numbers, rather than an actual change in the nature of the threats.

Birds

Kittlitz's murrelet (*Brachyramphus brevirostris*)—The following summary is based on information contained in our files and the petition we received on May 9, 2001. Kittlitz's murrelet is a small diving seabird that inhabits Alaskan coastal waters discontinuously, from Point Lay south to northern portions of southeast Alaska, west to the tip of the Aleutian Islands, and the eastern coastline of Russia. During the breeding season, most Kittlitz's murrelets are associated with tidewater glaciers, but breeding has also been documented throughout their range in areas where glaciers no longer exist. We concluded in the past that the loss of tidewater glaciers was a threat to the species and the magnitude of that threat was high because of the rate of change in the glaciers. There is no doubt that tidewater glaciers are receding most likely due to climate change. It is also clear that in one part of their range, Kittlitz's murrelets are associated with glacially influenced waters during the summer breeding period. What is unclear is the nature of the association and if these areas are more important to the Kittlitz's murrelet's population viability than other areas. Nests have been documented throughout their range; what is unknown is if nest survival is better near glaciers. Although we know that Kittlitz's murrelet habitat will continue to be modified as glaciers continue to recede, we currently do not have evidence that this modification will lead to conditions that will lead to a population-level decline.

In the past we had a high level of concern over the population decline and its magnitude. Although we still conclude that the population has declined, based on ongoing analyses, the magnitude of the decline is much less certain. Work is currently underway to evaluate past surveys and the status and trend of Kittlitz's murrelet across its range. We anticipate that our ability to evaluate trends and population size will be greatly improved when these projects are completed and published.

Based on new information, the focus of our concern has shifted to the low reproductive success of Kittlitz's murrelet. Our concern is based on three lines of reasoning: at the locations where we have the most complete information, Agattu and Kodiak Islands, nest success is very low (less than 10 percent); few juvenile birds have been documented; and there are indications that few females (approximately 10 percent) are breeding in spite of the fact (based on blood chemistry) that approximately 90 percent appear to be physiologically prepared to breed. Although the implications of these results are serious, we must temper our concern with the knowledge that the results are limited to small parts of the murrelet's range and for a long-lived bird, we have data for relatively few years. Consequently, we conclude that the magnitude of this threat is moderate.

For a K-selected species such as Kittlitz's murrelet, loss of the adults is particularly important, and we have identified several sources of adult mortality such as hydrocarbon contamination, entanglement in gillnets, and predation. Although none of these sources of mortality alone rises to the level of a threat, in total, the chronic, low-level loss of adults, in combination with evidence that a small proportion of the population is breeding, and the low reproductive success lead us to conclude that it will be difficult for this species to maintain a stable population level or rebound from a stochastic event that causes population loss. The magnitude of threat from these sources is low to moderate, depending on events that occur in a given year (number and location of oil spills/ship wrecks, number and location of gillnets).

For these reasons, this year, our focus shifted from the loss of glaciers to poor reproductive success. Poor nest success (as opposed to adult mortality) could be the underlying reason for the population decline, and if it is occurring rangewide, the population would be expected to continue to decline. Currently, our most detailed nest information comes from Agattu and Kodiak Islands. Whether these locations and the timeframe observed are representative of the rangewide situation is unknown; therefore, we have determined that threat magnitude is moderate, not high. Because the identified threats are currently occurring, they are imminent. Thus, we are changing the LPN from a 2 to an 8.

Sprague's pipit (*Anthus spragueii*)—The following summary is based on information contained in our files and in the petition we received on October 15, 2008. This species occurs in

Arizona, Colorado, Kansas, Louisiana, Minnesota, Montana, Nebraska, New Mexico, North Dakota, Oklahoma, South Dakota, Texas, Canada, and Mexico. The Sprague's pipit is a small grassland bird characterized by its high flight display and otherwise very secretive behavior. Sprague's pipits are strongly tied to native prairie (land which has never been plowed) throughout their life cycle.

Threats to this species include: Habitat loss and conversion, habitat fragmentation on the breeding grounds, energy development, roads, and inadequacy of existing regulatory mechanisms. Only 15 to 18 percent of the historical breeding habitat in the United States remains due to prairie habitat loss and fragmentation. The Breeding Bird Survey and Christmas Bird Count both show a 40-year decline of 73 to 79 percent (3.23 to 4.1 percent annually). We anticipate that prairie habitat will continue to be converted and fragmented. Most of the breeding range, including those areas where grassland habitat still remains, has been identified as a prime area for wind energy development, and an oil and gas boom is occurring in the central part of the breeding range in the United States and Canada. On the wintering range, conversion of grassland to agriculture and other uses appears to be accelerating. We recently announced candidate status for Sprague's pipit in a warranted-but-precluded 12-month petition finding published on September 15, 2010 (75 FR 56028). Because of an error in our original GIS analysis of the magnitude of the threats (as presented in our 12-month finding), we have now determined that the magnitude of threats is moderate as a smaller area of the range is affected by the threats, thereby reducing the effect of the threats to a lower level. Thus, we are changing the LPN of the Sprague's pipit from a 2 to an 8.

Reptiles

Eastern massasauga rattlesnake (*Sistrurus catenatus*)—Until 2011, the eastern massasauga was considered one of three recognized subspecies of massasauga. Recent information indicates that the eastern massasauga represents a distinct species, and we recognize it as such beginning in 2011. It is a small, thick-bodied rattlesnake that occupies shallow wetlands and adjacent upland habitat in portions of Illinois, Indiana, Iowa, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin, and Ontario. Populations in Missouri, formerly included within the previously recognized subspecies of eastern

massasauga, are now considered to be the western massasauga, *Sistrurus tergeminus tergeminus*.

Although the current range of *S. catenatus* resembles the species' historical range, the geographic distribution has been restricted by the loss of the species from much of the area within the boundaries of that range. Approximately 40 percent of the counties that were historically occupied by *S. catenatus* no longer support the species. *Sistrurus catenatus* is currently listed as endangered in every State and province in which it occurs, except for Michigan where it is designated as a species of special concern. Each State and Canadian province across the range of *S. catenatus* has lost more than 30 percent, and for the majority more than 50 percent, of their historical populations. Furthermore, less than 35 percent of the remaining populations are considered secure. Approximately 59 percent of the remaining *S. catenatus* populations occur wholly or in part on public land, and Statewide and site-specific Candidate Conservation Agreements with Assurances (CCAAs) are currently being developed for many of these areas in Iowa, Illinois, Michigan, and Wisconsin. In 2004, a Candidate Conservation Agreement (CCA) with the Lake County Forest Preserve District in Illinois was completed. In 2005, a CCA with the Forest Preserve District of Cook County in Illinois was completed. In 2006, a CCAA with the Ohio Department of Natural Resources Division of Natural Areas and Preserves was completed for Rome State Nature Preserve in Ashtabula County.

The magnitude of threats is moderate at this time. However, a recently completed extinction risk model, and information provided by species experts, indicates that other populations are likely to suffer additional losses in abundance and genetic diversity and some will likely be extirpated unless threats are removed in the near future. Declines have continued or may be accelerating in several States. Thus, we are monitoring the status of this species to determine if a change in listing priority is warranted. Threats of habitat modification, habitat succession, incompatible land management practices, illegal collection for the pet trade, and human persecution are ongoing and imminent threats to many remaining populations, particularly those inhabiting private lands. We do not believe emergency listing is warranted. We are changing the LPN from a 9 to an 8, reflecting the recent information indicating that this snake

should be recognized as a species rather than a subspecies.

Amphibians

Relict leopard frog (*Lithobates onca*) (formerly in *Rana*)—The following summary is based on information contained in our files. Natural relict leopard frog populations occur in two general areas in Nevada: near the Overton Arm area of Lake Mead and Black Canyon below Lake Mead. These two areas include a small fraction of the historical distribution of the species. Its historical range included springs, streams, and wetlands within the Virgin River drainage downstream from the vicinity of Hurricane, Utah; along the Muddy River, Nevada; and along the Colorado River from its confluence with the Virgin River downstream to Black Canyon below Lake Mead, Nevada and Arizona.

Factors contributing to the decline of the species include alteration, loss, and degradation of aquatic habitat due to water developments and impoundments, and scouring and erosion; changes in plant communities that result in dense growth and the prevalence of vegetation; introduced predators; climate change; and stochastic events. The presence of chytrid fungus in relict leopard frogs at Lower Blue Point Spring in 2010 warrants further evaluation of the threat of disease to the relict leopard frog. The size of natural and translocated populations is small, and therefore these populations are vulnerable to stochastic events, such as floods and wildfire. Climate change that results in reduced spring flow, habitat loss, and increased prevalence of wildfire would adversely affect relict leopard frog populations.

In 2005, the National Park Service, in cooperation with the Fish and Wildlife Service and other Federal, State, and local partners, developed a conservation agreement and strategy intended to improve the status of the species through prescribed management actions and protection. Conservation actions identified in the agreement and strategy include captive rearing of tadpoles for translocation and refugium populations, habitat and natural history studies, habitat enhancement, population and habitat monitoring, and translocation. New sites within the historical range of the species have been successfully established with captive-reared frogs. Conservation is proceeding under the agreement and strategy; however, additional time is needed to determine whether or not the agreement and strategy will be effective in eliminating or reducing the threats to the point that the relict leopard frog can be removed

from candidate status. In consideration of these conservation efforts and the overall threat level to the species, we determined the magnitude of existing threats is moderate to low. However, because water development and other habitat effects, presence of introduced predators, presence of chytrid fungus, limited distribution, small population size, and climate change are ongoing or will occur in the near future, the threats are imminent. The discovery of chytrid fungus in relict leopard frogs in 2010 is a new and potentially serious threat. Therefore, we changed the LPN from an 11 to an 8 for this species.

Snails

Huachuca springsnail (*Pyrgulopsis thompsoni*)—The following is based on information contained in our files. No new information was provided in the petition received on May 11, 2004. The Huachuca springsnail inhabits approximately 19 springs in southeastern Arizona and two springs in Sonora, Mexico. The springsnail is typically found in shallow water habitats, often in rocky seeps at the spring source. Potential threats include habitat modification and destruction through catastrophic wildfire and unmanaged grazing. Overall, the threats are low in magnitude because threats are not occurring throughout the range of the species uniformly and not all populations would likely be affected simultaneously by the known threats. The available information indicates that threats are not currently ongoing in or adjacent to occupied habitats. Accordingly, threats are nonimminent. Therefore, we are reducing the LPN from an 8 to an 11 for this species.

Insects

Meltwater lednian stonefly (*Lednia tumana*)—The following summary is based on information contained in our files and in the petition we received on July 30, 2007. This species is an aquatic insect in the order Plecoptera (stoneflies). Stoneflies are primarily associated with clean, cool streams and rivers. Eggs and nymphs (juveniles) of the meltwater lednian stonefly are found in high-elevation, alpine, and subalpine streams, most typically in locations closely linked to glacial runoff. The species is generally restricted to streams with mean summer water temperature less than 10 °C (50 °F). Adults emerge from the nymph stage and mate in streamside vegetation. The only known meltwater lednian stonefly occurrences are within Glacier National Park (NP), Montana. Climate change, and the associated effects of glacier loss (with glaciers predicted to

be gone by 2030), reduced streamflows, and increased water temperatures, is expected to significantly reduce the occurrence of populations and extent of suitable habitat for the species in Glacier NP. In addition, the existing regulatory mechanisms do not address environmental changes due to global climate change. We recently announced candidate status for the meltwater lednian stonefly in a warranted-but-precluded 12-month petition finding published on April 5, 2011 (76 FR 18684). We originally assigned the species an LPN of 4 based on three criteria: (1) The high magnitude of threat, which is projected to substantially reduce the amount of suitable habitat relative to the species' current range; (2) the low imminence of the threat based on the lack of documented evidence that populations are being affected by climate change now; and (3) the taxonomic status of the species, which was the only described member of its genus (monotypic taxon). Recently, stonefly specimens discovered in Mount Rainier NP, North Cascades NP, and in the Sierra Nevada Mountains of California have been formally described as two additional species in the *Lednia* genus—*L. borealis* and *L. sierra*—which indicates that the meltwater lednian stonefly is no longer in a monotypic genus. Based on this new taxonomic information, we are changing the LPN of this species from a 4 to a 5.

Arachnids

Warton's cave meshweaver (*Cicurina wartoni*)—The following summary is based on information contained in our files. No new information was provided in the petition received on May 11, 2004. Warton's Cave meshweaver is an eyeless, cave-dwelling, unpigmented, 0.23-inch-long invertebrate known only from female specimens. This meshweaver is known to occur in only one cave (Pickle Pit) in Travis County, Texas. Primary threats to the species and its habitat are predation and competition from red-imported fire ants, surface and subsurface effects from polluted runoff from an adjacent subdivision, unauthorized entry into the area surrounding the cave, and trash dumping that may include toxic materials near the feature. The magnitude of threats is low to moderate based on observations made during an April 5, 2011, site visit. In addition, Pickle Pit occurs in a preserve established for mitigation for the endangered golden-cheeked warbler; hence the meshweaver receives some protection. Due to a reduction in the

magnitude of threats, we changed the LPN for this species from a 2 to an 8.

Candidate Removals

As summarized below, we have evaluated the threats to the following species and considered factors that, individually and in combination, currently or potentially could pose a risk to these species and their habitats. After a review of the best available scientific and commercial data, we conclude that listing these species under the Endangered Species Act is not warranted because these species are not likely to become an endangered species within the foreseeable future throughout all or a significant portion of their ranges. Therefore, we find that proposing a rule to list them is not warranted, and we no longer consider them to be candidate species for listing. We will continue to monitor the status of these species and to accept additional information and comments concerning this finding. We will reconsider our determination in the event that new information indicates that the threats to the species are of a considerably greater magnitude or imminence than identified through assessments of information contained in our files, as summarized here.

Snails

Gila springsnail (*Pyrgulopsis gilae*)—The following summary is based on information contained in our files and the petition we received on November 20, 1985. Also see our 12-month petition finding published in the **Federal Register** on October 4, 1988 (53 FR 38969). The Gila springsnail is an aquatic species previously known from 13 populations in New Mexico. Surveys conducted in 2008 and 2009 located 37 additional populations, bringing the known total to 50.

The long-term persistence of the Gila springsnail is contingent upon protection of the riparian corridor and maintenance of flow to ensure continuous, oxygenated, flowing water within the species' required thermal range. Based on new information, we now foresee no threats to the habitat of the Gila springsnail. Disturbance to the species from recreational activity is occurring rarely, with minimal effects to the species, and is not likely to become a threat in the foreseeable future due to the inaccessibility of the springsnail populations. Livestock grazing may have affected Gila springsnails in the past, but exclusion of livestock from the riparian habitat has removed this threat. Current springsnail populations are located in areas with minimal fire or flood risk. Groundwater use for

geothermal development is unlikely to occur within Gila springsnail habitat. Additionally, the discovery of additional populations in 2008 and 2009 reveals the species is secure from stochastic, habitat-modifying events.

The distribution of the species and variance in the location of its habitat reduces the risk of the loss of the species from stochastic, habitat-modifying events. We have no indication that collection of the species is occurring, other than rarely by researchers confirming its discovery at new springs. Also, as the Gila springsnail occurs on Forest Service land with limited access, we do not anticipate any future collections for other purposes. There are no known diseases that affect Gila springsnails, and no native or nonnative predators occur at these springs. Additionally, we are not aware of any introduced species at the springs that would affect the springsnails.

The effects of future climate change may serve to exacerbate habitat loss from other factors. However, as we have determined that the Gila springsnail is not threatened with habitat loss, we cannot predict with any certainty that the effects of climate change will exacerbate any future habitat concerns sufficiently to consider climate change, on its own, a threat to the species. Therefore, we have determined that climate change is not currently a threat to the Gila springsnail now or in the foreseeable future. In conclusion, due to the lack of threats to the continued existence of the Gila springsnail under any of the five factors now or in the foreseeable future, we find that the Gila springsnail does not meet the definition of a threatened or endangered species and no longer warrants listing throughout all or a significant portion of its range, and we removed it from the candidate list.

New Mexico springsnail (*Pyrgulopsis thermalis*)—The following summary is based on information contained in our files and the petition received on November 20, 1985. Also see our 12-month petition finding published on October 4, 1988 (53 FR 38969). The New Mexico springsnail is an aquatic species that was previously known from only two separate populations associated with a series of spring-brook systems along the Gila River in the Gila National Forest in Grant County, New Mexico. Subsequent surveys in 2008 and 2009 discovered 12 additional populations, for a total of 14 separate populations.

The long-term persistence of the New Mexico springsnail is contingent upon protection of the riparian corridor and maintenance of flow to ensure

continuous, oxygenated, flowing water within the species' required thermal range. Based on new information, we now foresee no threats to the habitat of the New Mexico springsnail. Disturbance to the species from recreational activity is occurring rarely, with minimal impacts to the species, and is not likely to become a threat in the foreseeable future due to the inaccessibility of the springsnail populations. Livestock grazing may have affected New Mexico springsnails in the past, but exclusion of livestock from the riparian habitat has removed this threat. Current springsnail populations are located in areas with minimal fire or flood risk. Groundwater use for geothermal development is unlikely to occur within New Mexico springsnail habitat. Additionally, the discovery of additional populations in 2008 and 2009 reveals the species is secure from stochastic, habitat-modifying events.

The distribution of the species and variance in the location of its habitat reduces the risk of the loss of the species from stochastic, habitat-modifying events. We have no indication that collection of the species is occurring, other than rarely by researchers confirming its discovery at new springs. Also, as the New Mexico springsnail occurs on Forest Service land with limited access, we do not anticipate any future collections for other purposes. There are no known diseases that affect New Mexico springsnails, and no native or nonnative predators occur at these springs. Additionally, we are not aware of any introduced species at the springs that would affect the springsnails.

The effects of future climate change may serve to exacerbate habitat loss from other factors. However, as we have determined that the New Mexico springsnail is not threatened with habitat loss, we cannot predict with any certainty that the effects of climate change will exacerbate any future habitat concerns sufficiently to consider climate change, on its own, a threat to the species. Therefore, we have determined that climate change is not currently a threat to the New Mexico springsnail now or in the foreseeable future.

In conclusion, due to the lack of threats to the continued existence of the New Mexico springsnail under any of the five factors now or in the foreseeable future, we find that the New Mexico springsnail does not meet the definition of a threatened or endangered species and no longer warrants listing throughout all or a significant portion of

its range. As a result, we have removed it from the candidate list.

Insects

Wekiu bug (*Nysius wekiuicola*)—The following summary is based on information contained in our files. No new information was provided in the petition we received on May 11, 2004. The wekiu bug belongs to the true bug family, Lygaeidae, and occurs only on the summit of Mauna Kea on the island of Hawaii. The wekiu bug was believed to be limited in range to six pu'us (cinder cones) in the summit area and was threatened by loss of habitat on Mauna Kea due to development of observatory facilities, which was believed to be causing a severe decline in its numbers. Surveys and other studies carried out over the last 11 years suggest the wekiu bug has a broader distribution on Mauna Kea than previously known. Surveys now indicate that the wekiu bug is currently found on 16 pu'us. Two of these 16 pu'us occur in an area that has undergone development of astronomy observatory facilities. The previous trend toward loss of habitat due to observatory construction has been curtailed, and no new construction, including the currently planned Thirty-meter Telescope project, will occur on any pu'u occupied by the species. Management of the Mauna Kea summit area by the Office of Mauna Kea Management includes continued monitoring of the wekiu bug and its habitat, and scientific studies to assist in managing and protecting wekiu bug populations and habitat. The 2000 Mauna Kea Science Reserve Management Plan, the Mauna Kea Comprehensive Management Plan, the four subplans (natural resources management plan, cultural resources management plan, decommissioning plan, and public access plan), and a procedure for formal review of new projects on Mauna Kea all contribute to the protection and conservation of the wekiu bug.

Studies over the last 11 years also indicate the wekiu bug has a stable population, and demonstrate that this species exhibits extreme variability in terms of annual densities at any given site, such that the normal bounds of natural population variance for this species are much wider than previously understood. Based on our review of the best available information we no longer conclude that threats across the wekiu bug's expanded range put the species in danger of extinction. In summary, because the wekiu bug is likely stable in numbers, the wekiu bug is more widespread than previously believed,

current threats are minimized and restricted within the larger range of the species, and future potential threats are monitored, we find the wekiu bug does not meet the definition of a threatened or endangered species and no longer warrants listing throughout all or a significant portion of its range. Thus, we have removed it from candidate status.

Petition Findings

The ESA provides two mechanisms for considering species for listing. One method allows the Secretary, on his own initiative, to identify species for listing under the standards of section 4(a)(1). We implement this through the candidate program, discussed above. The second method for listing a species provides a mechanism for the public to petition us to add a species to the Lists. The CNOR serves several purposes as part of the petition process: (1) In some instances (in particular, for petitions to list species that the Service has already identified as candidates on its own initiative), it serves as the petition finding; (2) it serves as a "resubmitted" petition finding that the ESA requires the Service to make each year; and (3) it documents the Service's compliance with the statutory requirement to monitor the status of species for which listing is warranted-but-precluded to ascertain if they need emergency listing.

First, the CNOR serves as a petition finding in some instances. Under section 4(b)(3)(A), when we receive a listing petition, we must determine within 90 days, to the maximum extent practicable, whether the petition presents substantial information indicating that listing may be warranted (a "90-day finding"). If we make a positive 90-day finding, we must promptly commence a status review of the species under section 4(b)(3)(A); we must then make and publish one of three possible findings within 12 months of the receipt of the petition (a "12-month finding"):

- (1) The petitioned action is not warranted;
- (2) The petitioned action is warranted (in which case we are required to promptly publish a proposed regulation to implement the petitioned action; once we publish a proposed rule for a species, section 4(b)(5) and 4(b)(6) govern further procedures regardless of whether we issued the proposal in response to a petition); or
- (3) The petitioned action is warranted but (a) the immediate proposal of a regulation and final promulgation of a regulation implementing the petitioned action is precluded by pending proposals to determine whether any species is endangered or threatened, and

(b) expeditious progress is being made to add qualified species to the Lists of Endangered or Threatened Wildlife and Plants. (We refer to this third option as a "warranted-but-precluded finding.")

We define "candidate species" to mean those species for which the Service has on file sufficient information on biological vulnerability and threat(s) to support issuance of a proposed rule to list, but for which issuance of the proposed rule is precluded (61 FR 64481; December 5, 1996). This standard for making a species a candidate through our own initiative is identical to the standard for making a warranted-but-precluded 12-month petition finding on a petition to list, and we add all petitioned species for which we have made a warranted-but-precluded 12-month finding to the candidate list.

Therefore, all candidate species identified through our own initiative already have received the equivalent of substantial 90-day and warranted-but-precluded 12-month findings. Nevertheless, we review the status of the newly petitioned candidate species and through this CNOR publish specific section 4(b)(3) findings (i.e., substantial 90-day and warranted-but-precluded 12-month findings) in response to the petitions to list these candidate species. We publish these findings as part of the first CNOR following receipt of the petition. On April 20, 2010, we received a petition to list the magnificent ramshorn (see summary above under New Candidates) after we had initiated our assessment of this species for candidate status. In addition, the following species that were already on our candidate list were also included in this petition: Black Warrior waterdog, sicklefin redbone, rabbitsfoot, black mudalia, Coleman cave beetle, and *Solidago plumosa* (Yadkin River goldenrod). The petition did not provide any new information on these species. We published a separate substantial 90-day finding for all of the above species on September 27, 2011 (76 FR 59836). As part of this notice, we are making the warranted-but-precluded 12-month finding for these species. We have identified the candidate species for which we received petitions by the code "C*" in the category column on the left side of Table 1 below.

Second, the CNOR serves as a "resubmitted" petition finding. Section 4(b)(3)(C)(i) of the ESA requires that when we make a warranted-but-precluded finding on a petition, we are to treat such a petition as one that is resubmitted on the date of such a finding. Thus, we must make a 12-month petition finding in compliance

with section 4(b)(3)(B) of the ESA at least once a year, until we publish a proposal to list the species or make a final not-warranted finding. We make these annual findings for petitioned candidate species through the CNOR.

Third, through undertaking the analysis required to complete the CNOR, the Service determines if any candidate species needs emergency listing. Section 4(b)(3)(C)(iii) of the ESA requires us to "implement a system to monitor effectively the status of all species" for which we have made a warranted-but-precluded 12-month finding, and to "make prompt use of the [emergency listing] authority [under section 4(b)(7)] to prevent a significant risk to the well being of any such species." The CNOR plays a crucial role in the monitoring system that we have implemented for all candidate species by providing notice that we are actively seeking information regarding the status of those species. We review all new information on candidate species as it becomes available, prepare an annual species assessment form that reflects monitoring results and other new information, and identify any species for which emergency listing may be appropriate. If we determine that emergency listing is appropriate for any candidate we will make prompt use of the emergency listing authority under section 4(b)(7). For example, on August 10, 2011, we emergency listed the Miami blue butterfly (76 FR 49542). We have been reviewing and will continue to review, at least annually, the status of every candidate, whether or not we have received a petition to list it. Thus, the CNOR and accompanying species assessment forms constitute the Service's annual finding on the status of petitioned species under section 4(b)(3)(C)(i) of the ESA.

A number of court decisions have elaborated on the nature and specificity of information that must be considered in making and describing the petition findings in the CNOR. The CNOR published on November 9, 2009 (74 FR 57804), describes these court decisions in further detail. As with previous CNORs, we continue to incorporate information of the nature and specificity required by the courts. For example, we include a description of the reasons why the listing of every petitioned candidate species is both warranted and precluded at this time. We make our determinations of preclusion on a nationwide basis to ensure that the species most in need of listing will be addressed first and also because we allocate our listing budget on a nationwide basis (see below). Regional priorities can also be discerned from

Table 1, below, which includes the lead region and the LPN for each species. Our preclusion determinations are further based upon our budget for listing activities for unlisted species only, and we explain the priority system and why the work we have accomplished does preclude action on listing candidate species.

In preparing this CNOR, we reviewed the current status of, and threats to, the 204 candidates and 5 listed species for which we have received a petition and for which we have found listing or reclassification from threatened to endangered to be warranted but precluded. Included in this work is our review of the current status of, and threats to, the Canada lynx in New Mexico for which we received a petition to add that State to the listed range. We find that the immediate issuance of a proposed rule and timely promulgation of a final rule for each of these species has been, for the preceding months, and continues to be, precluded by higher priority listing actions. Additional information that is the basis for this finding is found in the species assessments and our administrative record for each species.

Our review included updating the status of, and threats to, petitioned candidate or listed species for which we published findings, under section 4(b)(3)(B) of the ESA, in the previous CNOR. We have incorporated new information we gathered since the prior finding and, as a result of this review, we are making continued warranted-but-precluded 12-month findings on the petitions for these species.

The immediate publication of proposed rules to list these species was precluded by our work on higher priority listing actions, listed below, during the period from October 1, 2010, through September 30, 2011. We will continue to monitor the status of all candidate species, including petitioned species, as new information becomes available to determine if a change in status is warranted, including the need to emergency-list a species under section 4(b)(7) of the ESA.

In addition to identifying petitioned candidate species in Table 1 below, we also present brief summaries of why each of these candidates warrants listing. More complete information, including references, is found in the species assessment forms. You may obtain a copy of these forms from the Regional Office having the lead for the species, or from the Fish and Wildlife Service's Internet Web site: http://ecos.fws.gov/ess_public/pub/Species_Report.do?listingType=C&mapstatus=1. As described above, under section 4 of