

Background

Waubay National Wildlife Refuge (NWR), comprised of 4,650 acres, is located in Day County in northeastern South Dakota. The Refuge's mix of lakes, wetlands, prairie, forests, and cropland is home to a diversity of wildlife. More than 100 bird species nest on this small piece of habitat, with 37 mammals also calling it home. Waubay NWR was established by President Roosevelt in 1935 as "a refuge and breeding ground for migratory birds and other wildlife."

Waubay Wetland Management District (WMD) protects over 250,000 acres of wetlands and prairie in six counties of northeastern South Dakota. The area's mix of native grass, planted grasses, cropland, and wetlands support a variety of wildlife. The WMD is home to 247 species of birds, 43 species of mammals, and over 20 species of amphibians and reptiles. Breeding waterfowl and grassland-dependent passerines are two groups that are especially prominent.

The availability of the Draft CCP/ Environmental Assessment (EA) for 30-day public review and comment was announced in the **Federal Register** on Wednesday, May 29, 2002 in Volume 67, Number 103. The Draft CCP/EA identified and evaluated three alternatives for managing Waubay National Wildlife Refuge Complex for the next 15 years. Alternative A, the No Action Alternative, would continue current management of the Refuge and Wetland Management District (WMD). Alternative B, the Tallgrass Prairie Alternative, would focus on protecting and restoring tallgrass prairie in the Minnesota-Red River Lowlands of the WMD. Alternative C, Enhanced Management, the preferred alternative, would increase management of Complex habitats and public use opportunities.

Based on this assessment and comments received, the preferred Alternative C was selected for implementation. The preferred alternative was selected because it best meets the purposes of the Refuge and WMD as a refuge and breeding ground for migratory birds and wild animals. The preferred alternative will also provide for enhanced public access for wildlife-dependent recreation, and provides environmental education opportunities related to fish and wildlife resources.

Dated: October 2, 2002.

Elliott Sutta,

Acting Regional Director, Region 6, Denver, Colorado.

[FR Doc. 03-10505 Filed 4-28-03; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; 90-day Finding for a Petition To List the Midvalley Fairy Shrimp as Endangered

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), announce a 90-day finding for a petition to list the midvalley fairy shrimp (*Branchinecta mesovallensis*) under the Endangered Species Act of 1973, as amended. We find the petition presents substantial information to indicate that listing may be warranted. We are therefore initiating a status review of the species, and will issue a 12-month finding to determine if the petitioned action is warranted. To help ensure the review is comprehensive, we are soliciting information and data regarding this species.

DATES: The finding announced in this document was made on April 18, 2003. To be considered in the 12-month finding on this petition, comments and information should be submitted to us by June 30, 2003.

ADDRESSES: The complete file for this finding is available for inspection, by appointment, during normal business hours, at the Sacramento Fish and Wildlife Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, Sacramento, CA 95825-1846. Submit new information, materials, comments, or questions concerning this species to the Service at the above address.

FOR FURTHER INFORMATION CONTACT: Glen Tarr, at the address given above (telephone 916/414-6652; facsimile 916/414-6713; electronic mail: Glen_Tarr@fws.gov).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we 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. We are to base this finding on all information available to us at the time we make the finding. To the maximum extent practicable, we must make this finding within 90 days of receiving the petition and publish the notice of the

finding promptly in the **Federal Register**. Our standard for substantial information within the Code of Federal Regulations (CFR) with regard to a 90-day petition finding is "that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)). If the finding is that substantial information was presented, we are required to promptly commence a review of the status of the species, if one has not already been initiated, under our internal candidate assessment process.

On August 31, 2001, we received a petition dated August 14, 2001 submitted by the Center for Biological Diversity and VernalPools.Org. The petition requests us to list the midvalley fairy shrimp as an endangered species, to designate critical habitat for the species, and to list the species on an emergency basis. The petition presents extensive information regarding the biology of the midvalley fairy shrimp and threats to the species, which we address below. We have reached our 90-day finding on this petition in accordance with a consent decree that requires us to complete a finding by April 21, 2003 (*Butte Environmental Council v. Wayne White*, Consent Decree, CIV.S-00-797 WBS).

Biology and Distribution

The midvalley fairy shrimp is a small (7 to 20 millimeter (mm) (0.28 to 0.79 inch (in))), freshwater crustacean that lives in vernal pools, vernal swales and other ephemeral water bodies near the middle of California's Central Valley (Helm 1998; Eriksen and Belk 1999; Belk and Fugate 2000). It is known from 52 occurrences in seven California counties: Sacramento, Solano, Contra Costa, San Joaquin, Merced, Madera and Fresno (California Natural Diversity Data Base (CNDDB) 2002). Midvalley fairy shrimp populations survive the seasonal desiccation of their pools by laying dormant eggs called cysts, which can withstand extreme temperatures, the digestive tracts of animals and, if necessary, years of dessication before hatching. Since not all cysts hatch with any given refilling of their pool, the cysts form a "bank" in the soil from which new populations of adults may develop, even in pools that have not had adults for years (Eriksen and Belk 1999).

The habitat requirements and life history characteristics of the midvalley fairy shrimp are similar to those of four other shrimp species that we listed in 1994: the Conservancy fairy shrimp (*Branchinecta conservatio*), longhorn fairy shrimp (*B. longiantenna*), vernal pool fairy shrimp (*B. lynchi*), and vernal