

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-A168

Endangered and Threatened Wildlife and Plants; Listing of the Central California Distinct Population Segment of the California Tiger Salamander; Reclassification of the Sonoma County and Santa Barbara County Distinct Populations From Endangered to Threatened; Special Rule**AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Proposed rule and notice of public hearing.

SUMMARY: We, the Fish and Wildlife Service (Service), propose threatened status for the Central California distinct population segment (DPS) of the California tiger salamander (*Ambystoma californiense*), pursuant to the Endangered Species Act of 1973, as amended (Act). The Santa Barbara County and Sonoma County DPSs are listed as endangered. We propose reclassifying these populations as threatened. This proposal, if made final, would extend the Federal protection and recovery provisions of the Act to the Central California DPS of this species.

A special rule is also being proposed to exempt existing routine ranching activities from the prohibitions of the Act because these practices have neutral or beneficial effects on the California tiger salamander. We solicit additional data and information that may assist us in making a final decision on this proposed action.

DATES: *Comments:* We must receive comments from all interested parties by 5 p.m. on July 22, 2003.

Public Hearings: We will hold public hearings at the following times:

(1) Tuesday, June 17, 2003—Livermore, California. Two sessions, 1 p.m. until 3 p.m. and 6 p.m. until 8 p.m. Registration will begin at 12:30 p.m. for the afternoon session and at 5:30 p.m. for the evening session.

(2) Wednesday, June 18, 2003—Monterey, California. Two sessions, 1 p.m. until 3 p.m. and 6 p.m. until 8 p.m. Registration will begin at 12:30 p.m. for the afternoon session and at 5:30 p.m. for the evening session.

(3) Thursday, June 19, 2003—Merced, California. Two sessions, 1 p.m. until 3 p.m. and 6 p.m. until 8 p.m. Registration will begin at 12:30 p.m. for the afternoon session and at 5:30 p.m. for the evening session.

Public informational meetings also will be held in California in various locations, with sites and dates publicized through local news media. See **ADDRESSES** section for specific location information of the hearings identified above and see "Public Hearings" under **SUPPLEMENTARY INFORMATION** for general information.

ADDRESSES: *Comments:* If you wish to comment, you may submit your comments and materials concerning this proposal by any of several methods:

(1) You may submit written comments to the Field Supervisor (Attn: CTS), U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Suite W-2605, Sacramento, CA 95825.

(2) You may send comments by electronic mail (e-mail) to: catiger@R1.fws.gov. See the "Public Comments Solicited" section below for file format and other information on electronic filing.

(3) You may hand-deliver comments to our Sacramento Fish and Wildlife Office at the address above.

Public Hearings: We will hold public hearings at the following locations:

(1) Hilton Garden Inn, Vineyard Room, 2801 Constitution Drive, Livermore, California.

(2) Hyatt Regency Monterey, Pebble Room, 1 Old Golf Course Rd., Monterey, California.

(3) Fish and Game Building at Lake Yosemite, 5714 North Lake Road, Merced, California.

See the **DATES** section for the specific times these hearings will be held.

FOR FURTHER INFORMATION CONTACT: Sacramento Fish and Wildlife Office, at the address listed above (telephone 916/414-6600; facsimile 916/414-6713).

SUPPLEMENTARY INFORMATION:**Previous Federal Action**

On September 18, 1985, we published the Vertebrate Notice of Review (NOR) (50 FR 37958), which included the California tiger salamander as a category 2 candidate species for possible future listing as threatened or endangered. Category 2 candidates were those taxa for which information contained in our files indicated that listing may be appropriate but for which additional data were needed to support a listing proposal. The January 6, 1989, and November 21, 1991, NORs (54 FR 554 and 56 FR 58804, respectively) also included the California tiger salamander as a category 2 candidate and solicited information on the status of the species.

On February 21, 1992, we received a petition to list the California tiger salamander as an endangered species

from Dr. H. Bradley Shaffer at University of California, Davis. We published a 90-day petition finding on November 19, 1992 (57 FR 54545), concluding that the petition presented substantial information indicating that listing may be warranted. On April 18, 1994, we published a 12-month petition finding (59 FR 18353) that the listing of the California tiger salamander was warranted but precluded by higher priority listing actions. We elevated the species to category 1 status at that time, which was reflected in the November 15, 1994, NOR (59 FR 58982). Category 1 candidates were those taxa for which we had on file sufficient information on biological vulnerability and threats to support preparation of listing proposals.

We discontinued the use of different categories of candidates in the February 28, 1996, NOR (61 FR 7596), and defined "candidate species" as those meeting the definition of former category 1. We maintained the California tiger salamander as a candidate species in that NOR, as well as in subsequent NORs published September 19, 1997 (62 FR 49398), October 25, 1999 (64 FR 57533), and October 30, 2001 (66 FR 54808).

On January 19, 2000, we published an emergency rule to list the Santa Barbara County DPS of the California tiger salamander as endangered (65 FR 3096), concurrently with a proposed rule (65 FR 3110) to list the same DPS as endangered. On September 21, 2000, we listed the Santa Barbara County DPS of the California tiger salamander as endangered (65 FR 57242).

On June 12, 2001, we received a petition dated June 11, 2001, from the Center for Biological Diversity (CBD) and Citizens for a Sustainable Cotati to emergency-list the Sonoma County DPS of the California tiger salamander as an endangered species and to designate critical habitat. On February 27, 2002, the CBD filed a complaint in the Northern District of California for our failure to list the Sonoma County DPS of the California tiger salamander as endangered (*Center for Biological Diversity v. U.S. Fish and Wildlife Service* (Case No. C-02-0558)). On June 6, 2002, based on a settlement agreement with the CBD, the court issued an order requiring us to submit for **Federal Register** publication a proposal and/or emergency rule to list the Sonoma County DPS by July 15, 2002. We were also to submit for publication in the **Federal Register** a proposal to list the California tiger salamander throughout the remainder of its range (except for the Santa Barbara County and Sonoma County DPSs) on or before May 15, 2003, and to publish a