

*brasilianum cactorum*), Sonoran pronghorn (*Antilocapra americana sonoriensis*), and Mount Graham red squirrel (*Tamiasciurus hudsonicus grahamensis*) within Arizona; Yuma clapper rail (*Rallus longirostris yumanensis*) within Arizona and California; lesser long-nosed bat (*Leptonycteris curasoae yerbabuenae*) within Arizona and New Mexico; Mexican long-nosed bat (*Leptonycteris nivalis*) within New Mexico and Texas; and southwestern willow flycatcher (*Empidonax traillii eximius*) within Arizona, California, New Mexico, Texas, and Utah.

#### Permit No. TE-066229

**Applicant:** Whittenton Group, San Marcos, Texas.

Applicant request a new permit for research and recovery purposes to conduct presence/absence surveys for the following species within Texas: Golden-cheeked warbler (*Dendroica chrysoparia*), black-capped vireo (*Vireo atricapillus*), piping plover (*Charadrius melodus*), red-cockaded woodpecker (*Picoides borealis*), northern aplomado falcon (*Falco femoralis septentrionalis*), fountain darter (*Etheostoma fonticola*), San Marcos gambusia (*Gambusia georgei*), ocelot (*Leopardus pardalis*), jaguarundi (*Herpailurus yagouaroundi cacomitli*), Barton Springs salamander (*Eurycea sosorum*), bonytail chub (*Gila elegans*), Texas blind salamander (*Typhlomolge rathbuni*), and Houston toad (*Bufo houstonensis*).

#### Permit No. TE-037155

**Applicant:** BIO-WEST, Logan, Utah.

Applicant requests an amendment to an existing permit to allow surveys for and collection of Colorado pikeminnow (*Ptychocheilus lucius*) and razorback sucker (*Xyrauchen texanus*) within New Mexico, Colorado, and Utah.

**Susan MacMullin,**

*Acting Assistant Regional Director, Ecological Services, Region 2, Albuquerque, New Mexico.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### Endangered and Threatened Wildlife and Plants; Notice of 12-month Finding on a Petition to List Mount Ashland Lupine (*Lupinus lepidus* var. *ashlandensis*) and Henderson's Horkelia (*Horkelia hendersonii*)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 12-month petition finding.

**SUMMARY:** We, the Fish and Wildlife Service (Service), announce a 12-month finding for a petition to list *Lupinus lepidus* var. *ashlandensis* (Mount Ashland lupine), and *Horkelia hendersonii* (Henderson's horkelia), in accordance with the Endangered Species Act of 1973, as amended. After reviewing the best available scientific and commercial information available, we find that the petitioned action is not warranted. We ask the public to submit to us any new information that becomes available concerning the status of or threats to these species. This information will help us monitor and encourage the conservation of these species.

**DATES:** The finding announced in this document was made on January 26, 2003. Comments and information may be submitted to us until further notice. You may submit new information concerning these species for our consideration at any time.

**ADDRESSES:** You may send data, information, or questions concerning the finding to the Field Supervisor, Oregon Fish and Wildlife Office, 2600 SE. 98th Avenue, Suite 100, Portland, Oregon 97266. You may inspect the petition, administrative finding, supporting information, and comments received, by appointment, during normal business hours, at the above address.

#### FOR FURTHER INFORMATION CONTACT:

Kathy L. Pendergrass, at the above address (telephone 503/231-6179; facsimile 503/231-6195).

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(B) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that, for any petition to revise the List of Threatened and Endangered Species containing substantial scientific or commercial information that listing may be warranted, we make a finding within 12 months of the date of receipt of the petition on whether the petition action is: (a) Not warranted, (b) warranted, or (c) warranted but precluded by other pending proposals. Such 12-month findings are to be published promptly in the **Federal Register**.

We received two separate petitions, both dated September 9, 1999, from the Rogue Group Sierra Club to list *Lupinus aridus* spp. *ashlandensis* (Mount Ashland lupine) and *Horkelia hendersonii* (Henderson's horkelia) as endangered or threatened throughout

their range, and to designate critical habitat. On June 13, 2000, we published a 90-day finding for these two species in the **Federal Register** (65 FR 37108). We found that the petitions presented substantial information indicating that listing may be warranted. At that time, we initiated a review of the species' status within their historical range. This 12-month finding has been made in accordance with the judicially approved settlement agreement requiring us to submit a final listing decision on these species to the **Federal Register** by February 1, 2003 (*Sierra Club v. Norton et al.* (Civ. No. 01-1804-BR)).

*Lupinus lepidus* var. *ashlandensis* is an erect, perennial herb within the Fabaceae family. It forms clumps 15 to 20 centimeters (cm) (5.9 to 7.9 inches (in)) in diameter. Plants are 7 to 12 cm (2.8 to 4.7 in) tall with leaves palmately compound with 5 to 7 leaflets that are up to 3 cm (1.2 in) long. Leaves are numerous and crowded from the basal crown, with pubescent (hairy) undersurfaces and glabrous (hairless) upper sides. Flowers are blue with petals about 11 millimeters (mm) (0.43 in) long. The banner (upper petal) is glabrous and the keel (lower petal) ciliate (with sparse hairs) on the margin (Meinke 1982).

*Lupinus lepidus* var. *ashlandensis* occurs as a single population of approximately 35,000 plants on the summit and western ridge of Mount Ashland within Oregon. The entire population is located in an area of about 30 hectares (ha) (74 acres (ac)), with two thirds of the known population on the ridge-line within 0.4 kilometers (0.25 miles) of the summit of Mount Ashland (Rolle 1993). The plants occur in four discontinuous patches within this 30 ha (74 ac) area. Much of the habitat that *Lupinus lepidus* var. *ashlandensis* occurs in are brush fields or clumps of brush, and is not suitable habitat. It is estimated that less than 60 percent or approximately 17 ha (42 ac) is actually occupied by *Lupinus lepidus* var. *ashlandensis*.

*Horkelia hendersonii*, a member of the rose family (Family Rosaceae), is a perennial herb with several stems arising from a branching, woody crown, approximately 1 to 1.5 decimeters (3.9 to 5.9 in) high (Abrams 1941; Keck 1938). Leaves are silky and 4 to 6 cm (1.6 to 3.3 in) long with 11 to 19 leaflets arranged pinnately (Meinke 1982). Flowers are white to pink with petals 4 mm (0.16 in) long in a somewhat clustered terminal (grouped at the tip of the stems) inflorescence (Peck 1961). This plant is one of approximately eight Oregon species of the genus *Horkelia*. *Horkelia hendersonii* is distinguished