

concerning this species for our consideration at any time.

ADDRESSES: The complete file for this finding is available for inspection, by appointment, during normal business hours, at the U.S. Fish and Wildlife Service, Oregon Fish and Wildlife Office, 2600 SE. 98th Avenue, Suite 100, Portland, Oregon 97266. Submit new information or comments concerning this petition to the Service at the above address.

FOR FURTHER INFORMATION CONTACT:

Kemper M. McMaster, Field Supervisor, Oregon Fish and Wildlife Office (*see ADDRESSES* section) (telephone 503/231-6179; facsimile 503/231-6195).

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, 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 our receipt of 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 involved species, if one has not already been initiated, under our internal candidate assessment process.

We received a petition, dated January 24, 2002, from the Institute for Wildlife Protection requesting that the western sage grouse (*Centrocercus urophasianus phaios*) occurring from northern California, through Oregon and Washington, in addition to any western sage grouse that still occur in parts of Idaho, be listed under the Act. Although we published a 12-month finding for the Columbia Basin distinct population segment (DPS) of sage grouse in May 2001, the petitioner requested that we include this population in our review of the petition. The 12-month finding for the Columbia Basin DPS of sage grouse was that listing was warranted but

precluded due to higher priority listing actions (66 FR 22984). That finding presented information describing genetic and ecological differences between sage grouse located in the Columbia Basin and the population of sage grouse in central and southern Oregon, as well as the significant gap in the range of the Washington population (66 FR 22984). The Columbia Basin DPS of sage grouse is presently a candidate for listing (67 FR 40657). Since our 12-month finding presented an in-depth review of this population of sage grouse, this review will only focus on the remaining portion of the petitioned sage grouse.

The petitioner requested that the western sage grouse occurring in northern California, in addition to any western sage grouse that still occur in parts of Idaho, be listed under the Act. However, we note that the inclusion of California is incorrect according to Aldrich and Duvall (1955) and Aldrich (1963). Sage grouse in northern California and northwestern Nevada were reclassified as an intermediate form (Aldrich and Duvall 1955; Aldrich 1963). As for any western sage grouse in Idaho, Aldrich (1946) stated that it was possible that western sage grouse occurred in central-western Idaho. However, no specimens have ever been collected to verify the existence of western sage grouse in Idaho.

The petition clearly identified itself as such and contained the name, address, and signature of the petitioning organization's representative. Accompanying the petition was information related to the taxonomy, life history, demographics, movements, habitats, threats, and the past and present distribution of the western sage grouse. The petitioner contends that the range of the western sage grouse and the number of individuals, have decreased by approximately half, and that the subspecies has become isolated into a series of fragments. In order to determine if substantial information is available to indicate that the petitioned action may be warranted, we have reviewed the subject petition, literature cited in the petition, information provided by recognized experts or agencies cited in the petition, and information otherwise available in Service files.

This 90-day petition finding is made in accordance with a proposed settlement agreement which would require us to complete a finding by January 30, 2003 (*Institute for Wildlife Protection and Dr. Steven G. Herman v. Norton et al.* (CV02 1604L, W.D. WA)).

The following information regarding the description and natural history of

greater sage grouse (*Centrocercus urophasianus*) (sage grouse) (American Ornithological Union (AOU) 2000) has been condensed from these sources: Aldrich 1963; Johnsgard 1973; Connelly *et al.* 1988; Connelly *et al.* 2000; Fischer *et al.* 1993; Drut 1994; Western States Sage Grouse Technical Committee 1996 and 1998; and Schroeder *et al.* 1999.

The sage grouse is the largest North American grouse species. Adult males range in size from 66 to 76 centimeters (cm) (26 to 30 inches (in)) and weigh between 2 and 3 kilograms (kg) (4 and 7 pounds (lb)); adult females range in size from 48 to 58 cm (19 to 23 in) and weigh between 1 and 2 kg (2 and 4 lb). Males and females have dark grayish-brown body plumage with many small gray and white speckles, fleshy yellow combs over the eyes, long pointed tails, and dark green toes. Males also have blackish chin and throat feathers, conspicuous phylloplumes (specialized erectile feathers) at the back of the head and neck, and white feathers forming a ruff around the neck and upper belly. During breeding displays, males also exhibit olive-green apteria (fleshy bare patches of skin) on their breasts.

Sage grouse depend on a variety of shrub steppe habitats throughout their life cycle, and are particularly tied to several species of sagebrush (*Artemisia* spp.). Throughout much of the year, adult sage grouse rely on sagebrush to provide roosting cover and food. During the winter, they depend almost exclusively on sagebrush for food. The type and condition of shrub steppe plant communities strongly affect habitat use by sage grouse populations. However, these populations also exhibit strong site fidelity (loyalty to a particular area). Sage grouse may disperse up to 160 kilometers (km) (100 miles (mi)) between seasonal use areas; however, average population movements are generally less than 34 km (21 mi). Sage grouse are also capable of dispersing over areas of unsuitable habitat.

During the spring breeding season, primarily during the morning hours just after dawn, male sage grouse gather together and perform courtship displays on areas called leks (areas where animals assemble and perform courtship displays). Areas of bare soil, short grass steppe, windswept ridges, exposed knolls, or other relatively open sites may serve as leks. Leks range in size from less than 0.4 hectare (ha) (1 acre (ac)) to over 40 ha (100 ac) and can host from several to hundreds of males. Some leks are used for many years. These "historic" leks are typically larger than, and often surrounded by, smaller "satellite" leks, which may be less