

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Part 17]

ENDANGERED AND THREATENED WILDLIFE

Proposed "Threatened" Status for Three Species of Trout

The Lahontan cutthroat trout (*Salmo clarki henshawi*), Paiute cutthroat trout (*Salmo clarki selentris*) and Arizona trout (*Salmo apache*) currently are classified as "Endangered" species. They were listed originally as "Endangered" under the Endangered Species Protection Act of 1969, and evidence on hand at that time indicated that they were endangered owing to the destruction, drastic modification or severe curtailment of their habitat; hybridization with introduced species of trout was also a factor.

We now have evidence to indicate that the Lahontan cutthroat trout, Paiute cutthroat trout and Arizona trout are not "Endangered" as defined by the Endangered Species Act of 1973, but are more properly classified as "Threatened" species under the Act. All three species have been cultured extensively and reintroduced successfully into areas where they were extirpated; efforts at eliminating introduced trout with which they hybridize are succeeding; and none are in danger of extinction throughout all or a significant portion of their ranges. Specifically, the evidence is as follows:

I. Lahontan cutthroat trout (*Salmo clarki henshawi*).

a. The Lahontan cutthroat has been reintroduced into several stream systems throughout the Lahontan Basin, its original range. It has been reestablished in the two remnant lakes in the Lahontan Basin, Pyramid and Walker Lakes. The California Department of Fish and Game has transplanted the trout successfully into East Fork Creek of Yuba River drainage, outside the Lahontan Basin. A successful transplant of unknown origin has also been made into Macklin Creek of the Yuba drainage. These are all strong, viable populations at the present time.

b. The Lahontan National Fish Hatchery in Gardnerville, Nevada, has developed cultural techniques which produce 1-million Lahontan cutthroat trout annually. California and Nevada State hatcheries also are producing pure stock of Lahontan cutthroat. These cultured trout have been, and are being, introduced successfully into the wild.

c. Restoration of habitat and reintroduction in several stream systems should result in additional populations, further increasing the present range of this species. Restoration plans include the re-

moval of brook and rainbow trout and rainbow-Lahontan cutthroat trout hybrids. Habitat restoration programs have been successful in several streams.

II. Paiute cutthroat trout (*Salmo clarki selentris*).

a. The removal of the introduced eastern brook trout, a serious competitor of the Paiute cutthroat, has permitted an increase of the Paiute cutthroat in Delaney Creek in Yosemite National Park.

b. The Paiute cutthroat has hybridized with the introduced rainbow trout in some streams. In these streams the removal of rainbow trout and hybrid rainbow-Paiute trout has resulted in good populations of pure stock of Paiute cutthroat in several streams.

c. A successful transplant of pure Paiute cutthroat stock into Cottonwood Creek has resulted in a self-sustaining population with good densities in this stream system in Mono County, California. There are no known threats to the species in this stream system.

d. Most of the streams in which the Paiute cutthroat trout occurs flow through land which is owned or controlled by the U.S. Forest Service or the U.S. National Park Service. Both of these agencies must operate, under the requirements of section 7 of the Endangered Species Act of 1973, to conserve the trout.

III. Arizona trout (*Salmo Apache*)

a. At present good populations of pure stock of Arizona trout exist in several headwater streams of the east fork of the White River and headwaters of Bonito Creek, tributary to the Black River in east central Arizona.

b. To further increase the population and distribution of the species, the hatcheries of the Arizona Department of Game and Fish have cultured the Arizona trout and stocked them into waters formerly inhabited. Stream renovation projects also are planned for tributaries of the Upper Salt River which will provide additional habitat and extend its distribution.

Despite the fact that available evidence suggests that the Lahontan cutthroat trout, Paiute cutthroat trout, and Arizona trout are not "Endangered" species as defined by the Endangered Species Act of 1973, there is ample reason to consider them as "Threatened" species. Section 4(a) of the Act states as follows:

The Secretary shall by regulation determine whether any species is an endangered species or a threatened species because of any of the following factors:

(1) The present or threatened destruction, modification or curtailment of its habitat or range;

(2) Over utilization for commercial, sporting, scientific, or educational purposes;

(3) Disease or predation;

(4) The inadequacy of existing regulatory mechanisms; or

(5) Other natural or man-made factors affecting its continued existence.

Specifically, we have evidence that conditions (1) and (5) above are pertinent to a determination that the three trout be classed as "Threatened."

(1) The present or threatened destruction, modification or curtailment of its habitat or range.

Lahontan cutthroat. This fish formerly occupied most streams of Truckee, Carson, and Walker River drainages in western Nevada and central California. Today it occurs in much the same area but is less abundant in the headwaters than it formerly was. Water diversions within its native range continue to be a threat to this species. This problem is especially evident at Pyramid Lake where the diversion of water from the Truckee River has resulted in a lowering of the water level in the lake. The lower water-levels in the lake and the siltation of the mouth of the Truckee River (at its entrance into the lake) due to lack of flow eliminated much of the spawning grounds for the species in this area.

Paiute cutthroat. The native range of this species is Silver King Creek and tributaries above Snodgrass Creek in Inyo County, California, which are blocked by natural barriers. The present distribution is much the same as through introductions, the Paiute cutthroat has been established outside its native range into North Fork Cottonwood Creek, Cabin Creek and Birch Lake in Mono and Inyo Counties, California.

Livestock grazing practices and reclamation developments could possibly be threats to this species within its native range.

Arizona trout. This trout originally inhabited the headwaters of the Salt and Little Colorado Rivers in the West Mountains of east central Arizona. Within its native range, logging operations have declined but continue to pose a threat to this species. Erosion, siltation and increased temperatures connected with logging processes can, and have in the past, reduced the population of Arizona trout in certain areas.

(5) Other natural or man-made factors affecting its continued existence.

Lahontan cutthroat. The introduction of non-native trouts in past years within the native range of this species presents a threat to its continued existence. The introduced brook trout is a serious competitor of the Lahontan cutthroat trout.

PROPOSED RULES

competitor for food and space with the Lahontan cutthroat. Although the State is making efforts to remove rainbow trout from Lahontan cutthroat habitat, hybridization is occurring between the two species and remains a cause for concern.

Paiute cutthroat. In the past, rainbow trout have been introduced into streams inhabited by the Paiute cutthroat. Subsequent hybridization has reduced the pure stock of Paiute cutthroat in some areas and remains a cause for concern.

Arizona trout. The introduced rainbow trout has hybridized with the Arizona trout in some streams. The possible introductions into other streams by individuals with good intention present a continued threat to this species.

In spite of the above acknowledged problems, there is good evidence that all three species would benefit now from regulated taking by sport-fishing. The States, in cooperation with the U.S. Fish and Wildlife Service, have succeeded in culturing all three species, and they have been widely restocked to the point at which most streams with suitable habitat have reached their carrying capacity.

The Director intends that finally adopted rules be as responsive as possible to the conservation of the above-mentioned species; he therefore desires to obtain the comments and suggestions of the public, other concerned governmental agencies and private interests on these proposed rules.

Final promulgation of these regulations will take into consideration the comments received by the Director. Such comments and any additional information received may lead the Director to adopt final regulations that differ from this proposal.

The Governors of California, Arizona, and Nevada have been notified of this proposed action, and their comments have been solicited.

Interested persons may participate in this rulemaking by submitting written comments to the Director (FWS/LE), U.S. Fish and Wildlife Service, Post Office Box 19183, Washington, D.C. 20036. All relevant comments received on or before June 23, 1975 will be considered. Comments received will be available for public inspection during normal business hours at the Service's office in Suite 600, 1612 K Street NW., Washington, D.C.

This notice of proposed rulemaking is issued under the authority contained in the Endangered Species Act of 1973 (16 U.S.C. 1531-43; 87 Stat. 884).

Dated: April 17, 1975.

F. V. SCHMIDT,
Acting Director,
Fish and Wildlife Service.

Accordingly, it is proposed to amend § 17.32 of Part 17 of 50 CFR Chapter I, Subchapter B by adding the following:

§ 17.32 Threatened wildlife list.

Common name	Scientific name	Range	Portion of range where threatened
(a) Mammals.....	***	***	***
(b) Birds.....	***	***	***
(c) Insects.....	***	***	***
(d) Fishes:			
(1) Lahontan cutthroat trout.	<i>Salmo clarki henshawi</i>	California, Nevada.....	Entire range.
(2) Paiute cutthroat trout.	<i>Salmo clarki seleniris</i>	California.....	Do,
(3) Arizona trout.....	<i>Salmo apache</i>	Arizona.....	Do.

(1) *Prohibitions.* All the prohibitions in section 9(a)(1) apply to the Lahontan cutthroat trout (*Salmo clarki henshawi*), the Paiute cutthroat trout (*Salmo clarki seleniris*), and the Arizona trout (*Salmo apache*), except that such species may be taken in accordance with State law. Any taking in violation of State law will also be a violation of the Endangered Species Act of 1973.

[FR Doc. 75-10525 Filed 4-22-75; 8:45 am]