

**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service**

[FWS-R4-ES-2009-N121; 40120-1113-0000-C4]

**Endangered and Threatened Wildlife and Plants; 5-Year Status Reviews of 23 Southeastern Species****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of initiation of reviews; request for information.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), are initiating 5-year status reviews of 23 species under the Endangered Species Act of 1973, as amended (Act). We conduct these reviews to ensure that the classification of species as threatened or endangered on the Lists of Endangered and Threatened Wildlife and Plants is accurate. A 5-year review is an assessment of the best scientific and commercial data available at the time of the review.

**DATES:** To allow us adequate time to conduct these reviews, we must receive your comments or information on or before September 4, 2009. However, we will continue to accept new information about any listed species at any time.

**ADDRESSES:** For instructions on how to submit information and review information we receive on these species, see "Request for New Information."

**FOR FURTHER INFORMATION CONTACT:** For species-specific information, contact the appropriate person under "Request for New Information."

**SUPPLEMENTARY INFORMATION:**

Under the Act (16 USC 1531 *et seq.*), we maintain lists of endangered and threatened wildlife and plant species in the Code of Federal Regulations (CFR) at 50 CFR 17.11 (for wildlife) and 17.12 (for plants) (collectively referred to as the List). Section 4(c)(2)(A) of the Act requires that we conduct a review of listed species at least once every 5 years. Then, on the basis of such reviews, under section 4(c)(2)(B), we determine whether or not any species should be removed from the List (delisted), or reclassified from endangered to threatened or from threatened to endangered. If we consider delisting a species, we must support the action by the best scientific and commercial data available. We must consider if these data substantiate that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data

available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. We make amendments to the List through final rules published in the **Federal Register**.

Our regulations at 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under our active review. This notice announces our active review of 15 species that are currently listed as endangered: Mississippi gopher frog (*Rana capito sevosa*), Etowah darter (*Etheostoma etowahae*), bluemask darter (*Etheostoma* sp), Cahaba shiner (*Notropis cahabae*), Cape Fear shiner (*Notropis mekistocholas*), amber darter (*Percina antesella*), Alabama sturgeon (*Scaphirhynchus suttkusi*), Tar River spiny mussel (*Elliptio steinstansana*), Anthony's riversnail (*Athearnia anthonyi*), Saint Francis' satyr butterfly (*Neonympha mitchelli francisci*), Spring Creek bladderpod (*Lesquerella perforata*), bunched arrowhead (*Sagittaria fasciculata*), mountain sweet pitcher plant (*Sarracenia rubra* ssp. *jonesii*), white irisette (*Sisyrinchium dichotomum*), and Tennessee yellow-eyed grass (*Xyris tennesseensis*). This notice also announces our active review of 8 species that are currently listed as threatened: flattened musk turtle (*Sternotherus depressus*), spotfin chub (*Erimonax monachus*), Cherokee darter (*Etheostoma scotti*), Waccamaw silverside (*Menidia extensa*), Magazine Mountain shagreen (*Mesodon magazinensis*), Price's potato-bean (*Apios priceana*), Cumberland rosemary (*Conradina verticillata*), and Heller's blazing star (*Liatris helleri*). The List is also available on our internet site at <http://endangered.fws.gov/wildlife.html#Species>.

**What Information Do We Consider in a 5-Year Review?**

A 5-year review considers the best scientific and commercial data that have become available since the current listing determination or most recent status review of each species, such as:

A. Species biology, including but not limited to population trends, distribution, abundance, demographics, and genetics;

B. Habitat conditions, including but not limited to amount, distribution, and suitability;

C. Conservation measures that have been implemented to benefit the species;

D. Threat status and trends (see five factors under heading "How do we

determine whether a species is endangered or threatened?"); and

E. Other new information, data, or corrections, including but not limited to taxonomic or nomenclatural changes, identification of erroneous information contained in the List, and improved analytical methods.

**Definitions Related to This Notice**

A. *Species* includes any species or subspecies of fish, wildlife, or plant, and any distinct population segment of any species of vertebrate which interbreeds when mature.

B. *Endangered* means any species that is in danger of extinction throughout all or a significant portion of its range.

C. *Threatened* means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

**How Do We Determine Whether a Species Is Endangered or Threatened?**

Section 4(a)(1) of the Act establishes that we determine whether a species is endangered or threatened based on one or more of the following five factors:

A. The present or threatened destruction, modification, or curtailment of its habitat or range;

B. Overutilization for commercial, recreational, scientific, or educational purposes;

C. Disease or predation;

D. The inadequacy of existing regulatory mechanisms; or

E. Other natural or manmade factors affecting its continued existence.

**What Could Happen as a Result of This Review?**

If we find that there is new information concerning any of these 23 species indicating that a change in classification may be warranted, we may propose a new rule that could do one of the following: (a) Reclassify the species from endangered to threatened (downlist); (b) reclassify the species from threatened to endangered (uplist); or (c) delist the species. If we determine that a change in classification is not warranted, then the species will remain on the List under its current status.

**Request for New Information**

To do any of the following, contact the person associated with the species you are interested in below:

(a) To get more information on a species,

(b) To submit information on a species, or

(c) To review information we receive, which will be available for public inspection by appointment, during

normal business hours, at the listed addresses.

- Spotfin chub, Tar River spiny mussel, mountain sweet pitcher plant, Heller's blazing star, bunched arrowhead, and white irisette: Asheville Field Office, U.S. Fish and Wildlife Service, 160 Zillicoa Street, Asheville, North Carolina, 28801, fax 828/258-5330. For information on the spotfin chub, contact Bob Butler at the address above (phone 828/258-3939 ext. 235, e-mail [bob\\_butler@fws.gov](mailto:bob_butler@fws.gov)). For the Tar River spiny mussel, contact John Fridell at the address above (828/258-3939 ext. 225, e-mail [john\\_fridell@fws.gov](mailto:john_fridell@fws.gov)). For the bunched arrowhead, Heller's blazing star, mountain sweet pitcher plant, and white irisette, contact Carolyn Wells at the address above (phone 828/258-3939 ext. 231, e-mail [carolyn\\_wells@fws.gov](mailto:carolyn_wells@fws.gov)).

- Amber darter, Etowah darter, and Cherokee darter: Athens Field Office, U.S. Fish and Wildlife Service, West Park Center Suite D, 105 West Park Drive, Athens, Georgia, 30606, fax 706/613-6059. For information on the amber darter, Etowah darter, and Cherokee darter, contact Robin Goodloe at the Athens Field Office, address above (phone 706/613-9493 ext. 221, e-mail [robin\\_goodloe@fws.gov](mailto:robin_goodloe@fws.gov)).

- Bluemask darter, Anthony's riversnail, Spring Creek bladderpod, Price's potato-bean, and Cumberland rosemary: Cookeville Field Office, U.S. Fish and Wildlife Service, 446 Neal Street, Cookeville, Tennessee, 38501, fax 931/528-7075. For information on the bluemask darter, Spring Creek bladderpod, Price's potato-bean, and Cumberland rosemary, contact Geoff Call at the Cookeville Field Office, address above (phone 931/528-6481 ext. 213, e-mail [geoff\\_call@fws.gov](mailto:geoff_call@fws.gov)). For the Anthony's riversnail, contact Stephanie Chance at the Cookeville Field Office, address above (phone 931/528-6481 ext. 211, e-mail [stephanie\\_chance@fws.gov](mailto:stephanie_chance@fws.gov)).

- Magazine Mountain shagreen: Conway Field Office, U.S. Fish and Wildlife Service, 110 South Amity Road, Suite 300, Conway, Arkansas, 72032, fax 501/513-4480. For information on the Magazine Mountain shagreen, contact Chris Davidson at the Conway Field Office, address above (phone 501/513-4481, e-mail [chris\\_davidson@fws.gov](mailto:chris_davidson@fws.gov)).

- Alabama sturgeon and Tennessee yellow-eyed grass: Daphne Field Office, U.S. Fish and Wildlife Service, 1208-B Main Street, Daphne, Alabama, 36526, fax 251/441-6222. For information on the Tennessee yellow-eyed grass, contact Dan Everson at the Daphne Field Office, address above (phone 251/441-5837, e-mail [dan\\_everson@fws.gov](mailto:dan_everson@fws.gov)). For the Alabama

sturgeon, contact Jeff Powell at the Daphne Field Office, address above (phone 251/441-5858, e-mail [jeff\\_powell@fws.gov](mailto:jeff_powell@fws.gov)).

- Flattened musk turtle, Mississippi gopher frog, and Cahaba shiner: Jackson Field Office, U.S. Fish and Wildlife Service, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213, fax 601/965-4340. For information on the flattened musk turtle and Cahaba shiner, contact Daniel Drennen at the Jackson Field Office, address above (phone 601/321-1127, e-mail [daniel\\_drennen@fws.gov](mailto:daniel_drennen@fws.gov)). For the Mississippi gopher frog, contact Linda LaClaire at the Jackson Field Office, address above (phone 601/321-1126, e-mail [linda\\_laclaire@fws.gov](mailto:linda_laclaire@fws.gov)).

- Cape Fear shiner, Waccamaw silverside, and Saint Francis' satyr butterfly: Raleigh Field Office, U.S. Fish and Wildlife Service, PO Box 33726, Raleigh, North Carolina, 27636, fax 919/856-4556. For information on the Cape Fear shiner and Waccamaw silverside, contact David Rabon at the Raleigh Field Office, address above (phone 919/856-4520 ext. 16, e-mail [david\\_rabon@fws.gov](mailto:david_rabon@fws.gov)). For the Saint Francis' satyr butterfly, contact Dale Suiter at the Raleigh Field Office, address above (phone 919/856-4520 ext. 18, e-mail [dale\\_suiter@fws.gov](mailto:dale_suiter@fws.gov)).

We request any new information concerning the status of any of these 23 species. See "What information do we consider in a 5-year review?" heading for specific criteria. Information submitted should be supported by documentation such as maps, bibliographic references, methods used to gather and analyze the data, and/or copies of any pertinent publications, reports, or letters by knowledgeable sources.

#### Public Availability of Comments

Before including your address, phone number, e-mail address, or other personal identifying information in your comment, you should be aware that the entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

#### Authority

We publish this document under the authority of the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: June 4, 2009.

**Linda H. Kelsey,**

*Acting Regional Director, Southeast Region.*  
[FR Doc. E9-15918 Filed 7-2-09; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Bureau of Reclamation

#### Navajo-Gallup Water Supply Project, New Mexico

**AGENCY:** Bureau of Reclamation, Interior.

**ACTION:** Notice of Availability of the Navajo-Gallup Water Supply Project Planning Report and Final Environmental Impact Statement FES 09-10.

**SUMMARY:** Pursuant to the National Environmental Policy Act of 1969 (as amended), Public Law (Pub. L.) 92-199, and the general authority to conduct water resources planning under the Reclamation Act of 1902 and all acts amendatory thereof and supplementary thereto, the Bureau of Reclamation (Reclamation), in cooperation with the Navajo Nation, Jicarilla Apache Nation, City of Gallup, State of New Mexico, Bureau of Indian Affairs, Indian Health Service, Navajo Tribal Utility Authority, and Northwest New Mexico Council of Governments, has prepared and made available to the public a Planning Report and Final Environmental Impact Statement (PR/FEIS). This document was undertaken to provide a discussion for the (1) Various ways to provide a municipal and industrial (M&I) water supply to the Navajo Nation, City of Gallup, and Jicarilla Apache Nation; (2) identification of a preferred alternative; and (3) associated environmental impacts and costs of the No Action and two action alternatives.

**ADDRESSES:** Requests for copies should be addressed to Mr. Terry Stroh, Bureau of Reclamation, Western Colorado Area Office, 2764 Compass Drive, Suite 106, Grand Junction, Colorado 81506; telephone (970) 248-0608; facsimile (970) 248-0601; e-mail: [tstroh@usbr.gov](mailto:tstroh@usbr.gov). The PR/FEIS is also available on Reclamation's Web site at <http://www.usbr.gov/uc/> (click on Environmental Documents).

Copies of the PR/FEIS are available for public review and inspection at the following locations:

- Main Interior Building, Natural Resources Library, Room 1151, 1849 C Street, NW., Washington, DC.
- Bureau of Reclamation, Denver Office Library, Denver Federal Center,