

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
*	*	*	*	*	*	*	*

Dated: March 6, 1998.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 98-7480 Filed 3-20-98; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 222 and 227

[I.D. 022498E]

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To List Sea-run Cutthroat Trout and Designate Critical Habitat Throughout Its Range In California, Oregon, and Washington

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of finding and request for information.

SUMMARY: NMFS has received a petition to list coastal sea-run cutthroat trout (*Oncorhynchus clarki clarki*) and designate critical habitat throughout its range in California, Oregon, and Washington under the Endangered Species Act (ESA). NMFS determines the petition presents substantial scientific information indicating that the petitioned action may be warranted. NMFS previously commenced a status review for this species and will continue to evaluate the status of this species on the West Coast. NMFS solicits from the public information, comments, and seeks suggestions from the public for peer reviewers for NMFS' review of the petitioned action.

DATES: Information and comments on the action must be received by June 22, 1998.

ADDRESSES: Information and comments on this action should be submitted to Chief, Protected Resources Division, NMFS, 525 NE Oregon Street - Suite 500, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 231-2005 or Joe Blum, NMFS,

Office of Protected Resources, (301) 713-1401.

SUPPLEMENTARY INFORMATION:

Background

In a Notice dated September 12, 1994, NMFS announced its intent to conduct comprehensive status reviews for five species of Pacific salmonids, including sea-run cutthroat trout (59 FR 46808). These were in addition to two ongoing status reviews for west coast coho salmon (*Oncorhynchus kisutch*) and steelhead (*Oncorhynchus mykiss*). NMFS completed coastwide status reviews for coho salmon and steelhead on July 25, 1995, and August 9, 1996, respectively (60 FR 38011; 61 FR 41541). On October 4, 1995, NMFS completed its status review of west coast pink salmon (*Oncorhynchus gorbuscha*) (60 FR 51928). Furthermore, on February 26, 1998, NMFS completed its status reviews of west coast sockeye (*Oncorhynchus nerka*), chum (*Oncorhynchus keta*), and chinook salmon (*Oncorhynchus tshawytscha*). NMFS is currently reviewing the status of west coast sea-run cutthroat trout.

On December 18, 1997, the Secretary of Commerce (Secretary) received a petition from Oregon Natural Resources Council to list and designate critical habitat for sea-run cutthroat trout in the States of Washington, Oregon, and California. Copies of this petition are available. (See **ADDRESSES**).

Analysis of Petition

Section 4(b)(3) of the ESA contains provisions concerning petitions from interested persons requesting the Secretary to list species under the ESA. Section 4(b)(3)(A) requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary make a finding whether the petition presents substantial scientific information indicating that the petitioned action may be warranted. Section 424.14(b)(1) of NMFS' ESA implementing regulations define "substantial information" as the amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted (See 50 CFR 424.14). Section 424.14(b)(2) of these regulations

contains factors the Secretary considers in evaluating a petitioned action.

After reviewing the information contained in the petition, the Secretary determines that the petition presents substantial scientific information indicating the petitioned action may be warranted. In accordance with section 4(b)(3)(B) of the ESA, the Secretary will make his determination within 12 months from the date the petition was received (December 18, 1998), whether the petitioned action is warranted.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be threatened or endangered based on any of the following factors: (1) The present or threatened destruction, modification, or curtailment of a species' habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting the species continuing existence. Listing determinations are based solely on the best available scientific and commercial data after taking into account any efforts being made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS solicits information and comments concerning the status of sea-run cutthroat trout (see **DATES** and **ADDRESSES** above). NMFS specifically requests the following information: (1) Biological or other relevant data that may help identify "distinct populations" of cutthroat trout (e.g., age structure, genetics, migratory patterns, morphology) (see NMFS' policy on applying the definition of species under the ESA to Pacific salmon (56 FR 58612, November 20, 1991); (2) the range, distribution, and size of cutthroat populations in Washington, Oregon, and California; (3) current or planned activities and their possible impact on this species (e.g., hatchery, harvest, and habitat actions); (4) information concerning the relationship of resident,

anadromous, and potamodromous cutthroat trout; (5) information that may aid in distinguishing native, naturally spawned cutthroat trout from nonnative stocks or rainbow trout/cutthroat trout hybrids; and (6) efforts being made to protect naturally spawned populations of sea-run cutthroat trout in Washington, Oregon, and California.

NMFS also requests quantitative evaluations describing the quality and extent of freshwater and marine habitats for juvenile and adult cutthroat trout, as well as information on areas that may qualify as critical habitat in Washington, Oregon, and California. Areas that include the physical and biological features essential to the recovery of the species should be identified. Essential features include, but are not limited to the following: (1) habitat for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS requests information describing (1) the activities that affect the area or could be affected by the designation, and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation.

The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact "of the [critical habitat] designation upon proposed or ongoing activities" (50 CFR 424.19). NMFS must consider the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service, published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. NMFS now

solicits the names of recognized experts in the field that could take part in the peer review process for this status review. Independent peer reviewers will be selected from the academic and scientific community, Tribal and other native American groups, Federal and state agencies, the private sector, and public interest groups.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: March 18, 1998.

Patricia Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.
[FR Doc. 98-7464 Filed 3-20-98; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 031298A]

Fisheries Off West Coast States and in the Western Pacific; Northern Anchovy Fishery; Intent to Prepare an Environmental Impact Statement

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS); request for written comments.

SUMMARY: NMFS announces its intent to prepare an EIS to assess the impact on the natural and human environment of amending the Northern Anchovy Fishery Management Plan (FMP) to include the management of other coastal pelagic species. This NOI requests written comments on issues that NMFS should consider in preparing the EIS. The EIS will examine alternatives available to NMFS to manage coastal pelagic species, including northern anchovy, Pacific sardine, Pacific mackerel, jack mackerel, and market squid to allow a productive fishery while preventing overfishing and recognizing the value to the ecosystem of coastal pelagic species as forage for other fish, marine mammals, and birds.

DATES: Comments must be submitted by April 22, 1998.

ADDRESSES: Comments should be sent to William T. Hogarth, Ph.D., Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: James J. Morgan or Svein Fougner, (562) 980-4030.

SUPPLEMENTARY INFORMATION: At its June 23-25, 1997, meeting, the Pacific Fishery Management Council (Council) directed its Coastal Pelagics Development Team (Team) to begin work on an amendment to the northern anchovy FMP to (1) add Pacific sardine, Pacific mackerel, jack mackerel, and market squid; (2) develop management strategies for these species that meet the requirements of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act); and (3) present options for limited access to the fisheries. A previous amendment was disapproved by NMFS in 1996; however, the Council pointed out that recent events increased the need for Federal management. The biomass of Pacific sardine continues to grow by approximately 30 percent per year, with commercial fisheries operating off Mexico, United States, and Canada. In the 1930s, the fishery for Pacific sardine was the largest in the western hemisphere, but the resource declined precipitously in the 1950s. With changing environmental conditions off the coast of California, abundance is now increasing. A major issue of the FMP will be how to responsibly manage these resources in accordance with the provisions of the Magnuson-Stevens Act while recognizing their importance as forage for other species, given that coastal pelagic species fluctuate widely even in the absence of a fishery.

A series of public meetings of the Team and Coastal Pelagics Advisory Subpanel (Subpanel) were held in 1997 to determine how to approach limited entry and harvest strategy (62 FR 38068, July 16, 1997). The Council reviewed progress of the FMP amendment, at its September 9-12, 1997, meeting, and additional meetings of the Team and Subpanel were held in the latter part of 1997 and early 1998 (62 FR 58941, October 31, 1997). An advance notice of proposed rulemaking notifying the public that the Council was preparing an amendment to the FMP and was considering a control date for the development of options for limited entry was published in the **Federal Register** on December 17, 1997 (62 FR 66049). Additional public meetings will be announced in the **Federal Register**. The draft FMP amendment is expected to be completed by June 1998, with the Council making final decisions on the document in September 1998.

NMFS has determined that the preparation of an EIS is appropriate because of the potentially significant impact of regulations on the human environment. At this stage of development, the general effect of Federal regulations will be to limit the