NMFS has scheduled public hearings on the proposal. Anyone wishing to make a presentation at a public hearing should register upon arrival and be prepared to provide a written copy of their testimony at the time of presentation. Depending on the number of persons wishing to speak a time limit may be imposed.

DATES: A public hearing is scheduled for August 24, 1993, beginning at 2 p.m. until all comments have been heard, at the Canaveral Port Authority, 200 George King Boulevard, Port Canaveral, Florida. Another public hearing is scheduled for August 25, 1993 beginning at 7 p.m. until all comments have been heard, at the Georgia Department of Natural Resources, 1 Conservation Way, Brunswick, Georgia.

The comment period on this proposed action is extended to August 31, 1993, to allow commenters the opportunity to respond to concerns voiced at the public hearings.

ADDRESSES: Send written comments to Dr. William W. Fox, Jr., Director, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, suite 8268, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT:

Robert C. Ziobro, Office of Protected Resources, National Marine Fisheries Service, 1335 East-West Highway, Silver Spring, MD 20910 (301–713–2322); or

Terry Henwood, Southeast Region, National Marine Fisheries Service, 9450 Koger Boulevard, St. Petersburg, FL 33702 (813–893–3366)

Dated: July 13, 1993.

William W. Fox, Jr.,

*Director, Office of Protected Resources.*

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50 CFR Part 227

## Listing Endangered and Threatened Species and Designating Critical Habitat: Petition to List North and South Umpqua River Sea-run Cutthroat Trout

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of receipt of petition and request for information.

SUMMARY: NMFS has received a petition to list North and South Umpqua River sea-run cutthroat trout (*Oncorhynchus clarki clarki*) and to designate critical habitat under the Endangered Species Act of 1973 (ESA). In accordance with section 4 of the ESA, NMFS has determined that the petition presents substantial scientific information indicating that the action may be warranted. Therefore, NMFS is initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, NMFS is soliciting information and data regarding this action.

DATES: Comments and information must be received by September 17, 1993.

ADDRESSES: Copies of the petition are available from, and comments should be submitted to: Merritt Tuttle, Chief, Environmental and Technical Services Division, NMFS, 911 NE. 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region, (503) 230–5430 or Marta Nammack, NMFS, Office of Protected Resources, (301) 713–2319.

SUPPLEMENTARY INFORMATION:

### Background

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. Section 4(b)(3)(A) of the ESA requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

### Petition Received

On April 1, 1993, the Secretary of Commerce received a petition from the Oregon Natural Resources Council, the Umpqua Valley Audubon Society, and The Wilderness Society to list North and South Umpqua River sea-run cutthroat trout, and to designate critical habitat under the ESA. As required for a petition to list a Pacific salmon stock (May 18, 1992, 57 FR 21056), the petition presents information on and discusses whether the petitioned population qualifies as a "species" under the ESA, in accordance with NMFS' "Policy on Applying the Definition of Species under the Endangered Species Act to Pacific Salmon" (November 20, 1991, 56 FR 58612). The Assistant Administrator for Fisheries, NOAA, has determined that the petition presents substantial scientific information indicating that the petitioned action may be warranted. Under section 4(b)(3)(B) of the ESA, this determination requires that a review of the status of the North and South Umpqua River sea-run cutthroat trout be conducted to determine if 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 endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its 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 its continued existence. Listing determinations are made solely on the best scientific and commercial data available after taking into account any efforts made by any state or foreign nation to protect the species.

### Biological Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS is soliciting information and comments concerning the present and historic status of the North and South Umpqua River sea-run cutthroat trout. NMFS is also soliciting information on whether or not this stock qualifies as a "species" under the ESA (November 20, 1991, 56 FR 56612). Copies of the petition are available (see ADDRESSES).

It is important to note that, unlike critical habitat designation, the determination to list a species is based solely on the basis of the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such a determination (50 CFR 424.11(b)).

### Critical Habitat

NMFS is also requesting information on areas that may qualify as critical habitat for the North and South Umpqua River sea-run cutthroat trout (see also October 15, 1991, 56 FR 51684). Areas that include the physical and biological features essential to the recovery of the species should be identified. Areas outside the present distribution should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to (1) space 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 breeding reproduction, rearing of offspring; and

generally, (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 is requesting 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 designations 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.

Data, information, and comments should include (1) supporting documentation such as maps, bibliographic references, or reprints of pertinent publications, and (2) the commenter's name, address, and associated, institution, or business.

Dated: July 7, 1993.

Gary Matlock,

*Acting Deputy Assistant Administrator for Fisheries, National Oceanic and Atmospheric Administration.*

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