

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

Endangered and Threatened Species

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 the central California coho salmon (*Oncorhynchus kisutch*) populations occurring in Scott and Waddell Creeks (Santa Cruz County, CA) as endangered under the Endangered Species Act (ESA). Based on the requirements of 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 additional information and data regarding this action.

DATES: Comments and information should be received by August 2, 1993.

ADDRESSES: Copies of the petition are available from, and comments should be submitted to, Dr. Gary Matlock, Acting Regional Director, NMFS, Southwest Region, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

FOR FURTHER INFORMATION CONTACT: Jim Lecky, NMFS, Southwest Region, (310) 980-4015 or Margaret Lorenz, NMFS, Office of Protected Resources, (301) 713-2322.

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

Petition Received

On March 11, 1993, NMFS received a petition from the Santa Cruz County Planning Department to list the central California coho salmon populations occurring in Scott and Waddell Creeks

(Santa Cruz County, CA) as endangered and to designate critical habitat. The Santa Cruz County Planning Department prepared the petition at the request of the Santa Cruz County Fish and Game Advisory Commission after a year of investigations and three local public hearings. The petition includes reports prepared by the California Department of Fish and Game and Dr. Jerry Smith of San Jose State University that provided recent information on the status of these coho populations. In addition, it presents information and discusses whether the populations qualify 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).

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 coho salmon populations occurring in Scott and Waddell Creeks. NMFS is also soliciting information on whether these Pacific salmon populations qualify as a "species" under the ESA. 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 coho salmon populations occurring in Scott and Waddell Creeks. 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 also be identified. Essential features 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 net 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 reference, or reprints of pertinent publications and (2) the commentator's name, address and association, institutions, or business.

Dated: June 14, 1993.

William W. Fox, Jr.,

Director, Office of Protected Resources,
National Marine Fisheries Service, National
Oceanic and Atmospheric Administration.

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