

**References Cited**

A complete list of all references cited herein, as well as others, is available upon request from the Jackson Field Office. See **ADDRESSES** above.

**Author.**

The primary author of this document is Daniel J. Drennen (see **ADDRESSES** section).

**Authority**

The authority for this action is the Endangered Species Act (16 U.S.C. 1531 *et seq.*).

Dated: January 7, 1999.

**Jamie Rappaport Clark,**

Director, Fish and Wildlife Service.

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**DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AF34****Endangered and Threatened Wildlife and Plants: Proposed Threatened Status for the Santa Ana Sucker**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule.

**SUMMARY:** We, the Fish and Wildlife Service, propose threatened status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Santa Ana sucker (*Catostomus santaanae*). The species is threatened by potential habitat destruction, natural and human-induced changes in streamflows, urban development and related land-use practices, intensive recreation, the introduction of non-native competitors and predators, and demographics associated with small populations. This proposed rule, if made final, would invoke the Federal protection and recovery provisions of the Act for this fish species within the Los Angeles, San Gabriel, and Santa Ana River drainages.

**DATES:** We must receive comments from all interested parties by March 29, 1999. We must receive public hearing requests by March 12, 1999.

**ADDRESSES:** Send comments and materials concerning this proposal to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Barrett, biologist, U.S. Fish and Wildlife Service, at the above address (or telephone 760-431-9440; facsimile 760-431-9624).

**SUPPLEMENTARY INFORMATION:****Background**

The Santa Ana sucker (*Catostomus santaanae*) is a recognized full species and member of the sucker family (Catostoidae). The Santa Ana sucker was originally described as *Pantosteus santa-anae* by Snyder (1908, as in Moyle 1976). The genus *Pantosteus* was reduced to a subgenus of *Catostomus* and the hyphen omitted from the specific name in a subsequent revision of the nomenclature (Smith 1966). Moyle (1976) described the Santa Ana sucker as less than 16 centimeters (6.3 inches (in)) in length. The Santa Ana sucker is silvery below, darker along the back with irregular blotches, and the membranes connecting the rays of the tail are pigmented.

The Santa Ana sucker inhabits streams that are generally small and shallow, with currents ranging from swift (in canyons) to sluggish (in the bottomlands). All the streams are subject to periodic severe flooding (Moyle 1976). Santa Ana suckers appear to be most abundant where the water is cool (less than 22° Celsius) (72° Fahrenheit), unpolluted and clear, although they can tolerate and survive in seasonally turbid water (Moyle 1976, Moyle and Yoshiyama 1992). Santa Ana suckers feed mostly on algae, which they scrap off of rocks and other hard substrates. Larger fish generally feed more on insects than do smaller fish (Moyle 1976).

Santa Ana suckers generally live no more than 3 years (Greenfield *et al.* 1970). Spawning occurs from early April to early July. The peak spawning activity occurs in late May and June. Females produce approximately 4,000 to 16,000 eggs ranging in size from 78 millimeters (mm) (3.1 in) to 158 mm (6.2 in), respectively (Moyle 1976). The combination of early sexual maturity, protracted spawning period, and high fecundity should allow the Santa Ana sucker to quickly repopulate streams following periodic flood events that can decimate populations (Greenfield *et al.* 1970, Moyle 1976).

The native range of the Santa Ana sucker includes the Los Angeles, San Gabriel, and Santa Ana River drainage systems in Los Angeles, Orange, Riverside, and San Bernardino counties (Smith 1966). Although historic records are scarce, Santa Ana suckers presumably ranged from near the Pacific Ocean to the uplands in the Los Angeles

River in the San Gabriel River system, and to at least Pump House #1 (near the San Bernardino National Forest boundary) in the Santa Ana River (Swift *et al.* 1993; C. Swift, Loyola Marymount University, pers. comm. 1996). Within its native range, the species is now restricted to three noncontiguous populations—lower Big Tujunga Creek (Los Angeles River drainage), the East, West, and North Forks of the San Gabriel River (San Gabriel River drainage), and the lower and middle Santa Ana River (Santa Ana River drainage) (Moyle and Yoshiyama 1992). An introduced population also occurs in the Santa Clara River drainage system, Ventura and Los Angeles counties (Moyle 1976, Smith 1966, Swift *et al.* 1993). Although the Santa Ana sucker was described as common in the 1970s (Moyle 1976), the species has experienced declines throughout most of its range (Swift *et al.* 1993). The present distribution is as follows:

*Los Angeles River system.* Although historically present, the species may have been extirpated from the Los Angeles River (Swift *et al.* 1993). Santa Ana suckers are still found in portions of Big Tujunga Creek (a tributary of the Los Angeles River) below Big Tujunga Dam. Recent surveys downstream of Big Tujunga Dam found the species to be present but rare (fewer than 20 individuals collected at each site) in the vicinities of Delta Flat, Wildwood, and Big Tujunga Dam and abundant (an estimated 200 individuals collected) near Stoneyvale (M. Wickman, Angeles National Forest, *in litt.* 1996). The portions of Big Tujunga Creek occupied by the Santa Ana sucker constitute approximately 25 percent of the total remaining native range of the species. Approximately 60 percent of the range of the Santa Ana sucker in the Los Angeles River basin occurs on private lands. The remaining 40 percent of the range in the Los Angeles River basin occurs on Angeles National Forest lands managed by the U.S. Forest Service.

*San Gabriel River system.* In light of current threats and the prevailing absence of management, Moyle and Yoshiyama (1992) suggested that the only viable population of Santa Ana suckers existing within the species' native range occurs in the San Gabriel River drainage system. Dr. Tom Haglund (University of California, Los Angeles, *in litt.* 1996) reported surveys in 1995 below Morris Dam failed to locate any suckers. Therefore, in the San Gabriel River, the Santa Ana sucker appears extant only upstream of the confluence of the East, West, and North Forks of the San Gabriel River. Furthermore, the population of Santa Ana suckers in the

North Fork is small. The portions of the San Gabriel River occupied by the Santa Ana sucker constitute approximately 15 percent of the total remaining native range of the species. However, catch per unit effort information gathered during sampling suggests the San Gabriel River may contain the most individuals of any remaining population (R. Ally, California Department of Fish and Game (CDFG), *in litt.* 1996; M. Guisti, CDFG, *in litt.* 1996; J. Hernandez, California Department of Fish and Game, *in litt.* 1997; Wickman, *in litt.* 1996). Approximately 15 percent of the range of the Santa Ana sucker in the San Gabriel River basin occur on private lands. The remaining 85 percent of the range in the San Gabriel River basin occurs in the Angeles National Forest.

**Santa Ana River system.** Several hundred Santa Ana suckers were observed in the Santa Ana River downstream of Prado Dam in 1986 and 1987. In 1996, a general fish survey of the Santa Ana River below Prado Dam yielded only five suckers from a total of 271 fishes captured (M. Guisti, CDFG, *in litt.* 1996). In April 1987, only five suckers were found during a sampling effort above the Prado Dam from the City of Norco to about five kilometers upstream. Thus above the dam, fish were scarce, small individuals were absent, and definite evidence of reproduction was not obtained (Moyle and Yoshiyama 1992). In 1991, sampling indicated that although fishery habitat in the Santa Ana River was primarily fair to poor, Santa Ana suckers were abundant between Norco and Riverside (Chadwick and Associates 1992). Additionally, evidence suggested Santa Ana suckers were using tributaries including Tequesquite Arroyo, Sunnyslope Channel, and Anaza Park Drain for spawning and nurseries (Chadwick and Associates 1996).

The Santa Ana sucker survives in the lower portions of the Santa Ana River, from the Imperial Highway (State Route 90) to Rubideaux near the City of Riverside, but is now apparently absent from the upper reach of this river in the San Bernardino Mountains (Moyle and Yoshiyama 1992, Swift *et al.* 1993). The portions of the Santa Ana River occupied by the Santa Ana sucker constitute approximately 60 percent of the total remaining native range of the species. Approximately 95 percent of the range of the Santa Ana sucker in the Santa Ana River basin occurs on private lands. The balance is within State, county, city, and regional park lands, with a very small portion, three percent, on military lands. Chadwick and Associates (1996) noted that length-

frequency analysis indicates Santa Ana suckers are naturally reproducing in the Santa Ana River system. Furthermore, they asserted Santa Ana sucker population decreases in the river as evidenced by 1996 surveys (M. Guisti, *in litt.*, 1996) were due to high flows in the basin between 1991 and 1996. However, T. Haglund (*in litt.* 1996) contended the large number of suckers reported in tributaries are juveniles and may be the progeny of very few adults.

**Santa Clara River system.** An introduced population of Santa Ana suckers occurs in the Santa Clara River drainage. (Moyle 1976, Smith 1966, Swift *et al.* 1993). Santa Ana suckers were present in Piru Creek, a major Santa Clara tributary, by 1934 and in the Santa Clara River proper and its Sespe Creek tributary by 1940 (Buth and Crabtree 1982). Suckers occur from the estuary upstream to several miles upstream from the confluence of Sespe Creek, in Sespe Creek, and in several reaches in the Soledad Canyon area bordering the Angeles National Forest. Portions of the Santa Clara basin population are believed to have hybridized with another introduced species, the Owens River sucker (*Catostomus fumeiventris*) (Greenfield *et al.* 1970). This hybrid population occurs in the Sespe Creek area (Swift *et al.* 1993) in the lower to middle reach of the Santa Clara River. The hybrid population is separate and isolated (by dry streambed) from the introduced yet genetically pure Santa Ana suckers that occur in several portions of the upper reach of the Santa Clara River, in and downstream from Soledad Canyon. The dewatered sections of the Santa Clara River currently act as a barrier keeping the genetically pure Santa Ana suckers in the upper reach of the Santa Clara River from mixing with the hybrid population in the middle to lower reach of the river. In the past, the non-hybridized population of Santa Ana sucker in the Santa Clara River drainage system was thought to be large (Buth and Crabtree 1982). However, Haglund and Baskins (1992) reported that the Santa Clara River "population is in decline and throughout much of the drainage has hybridized with another introduced sucker." Sespe Creek contained a large number of suckers as recently as 1994; however, in 1996 suckers could not be captured in the creek (T. Haglund, *in litt.* 1996). The portions of the Santa Clara River occupied by the introduced pure and hybridized suckers, constitute approximately 50 percent of the total remaining range of the species. Over 90 percent of the range of this population

occurs on private lands with the balance on federally managed lands.

In summary, the Santa Ana sucker has declined throughout significant portions of its range. The Santa Ana sucker has lost approximately 75 percent of its native range. Recent population densities range from approximately 246 fish in 1.8 miles on the East Fork, San Gabriel River (Hernandez 1997) to five fish in 4.5 miles of the Santa Ana River (Guisti 1996). This apparent overall decline in population is particularly surprising given the high fecundity and apparent broad habitat tolerances of the species. Urbanization, water diversions, dams, introduced competitors and/or predators, and other human-caused disturbances likely are playing a role in the decline of the species. These same factors have led to the decline of other western suckers (Minckley *et al.* 1991, Scoppettone and Vinyard 1991).

#### Populations Proposed for Protection

The Santa Ana sucker is recognized as a full species and thus constitutes a taxon eligible for protection pursuant to the Act. We are proposing to list the Santa Ana sucker only in its native range, which consists of the Los Angeles, San Gabriel, and Santa Ana River basins. The Santa Clara River population of the Santa Ana sucker is presumed to be an introduced population, which is located outside of the species native range. Therefore, we are not proposing to designate the Santa Clara River population of Santa Ana sucker as threatened pursuant to the Act. However, we do believe that the Santa Clara River population is important for recovery of the Santa Ana sucker within the Los Angeles, San Gabriel, and Santa Ana River basins, and may be used in efforts to re-establish the species within its native range.

#### Previous Federal Action

On September 6, 1994, we received a petition under the Act to list the Santa Ana sucker (*Catostomus santaanae*), Santa Ana speckled dace (*Rhinichthys osculus* ssp.), and the Shay Creek threespine stickleback (*Gasterosteus aculeatus* ssp.) as endangered species. The petition was submitted by the Sierra Club Legal Defense Fund, Inc., on behalf of seven groups including the California-Nevada Chapter of the American Fisheries Society, The Nature School, California Sportfishing Protection Alliance, Friends of the River, Izaak Walton League of America, California Trout, and Trout Unlimited. We deferred processing of this petition because of other higher priority listing actions and severe funding constraints

imposed by a number of continuing resolutions between November 1995 and April 1996.

On July 9, 1996, we published a 90-day petition finding (61 FR 36021) that substantial information had been presented indicating listing may be warranted for the Santa Ana sucker, and on November 26, 1996, we published a notice Initiating a Status Review for the Santa Ana Sucker (61 FR 60073). On April 3, 1997, we published a notice of the 12-month finding for the petition to list the Santa Ana Sucker as endangered (62 FR 15872). We announced in this finding that listing the Santa Ana sucker was warranted but precluded by higher listing priorities. This proposal constitutes the final petition finding of warranted as well as the proposal to list the species.

The threats facing the Santa Ana sucker have not substantially changed since the 12-month finding was published, and we consider them to be imminent but of moderate magnitude (a lower priority for listing). However, staff at the Carlsbad Fish and Wildlife Office became available to prepare this proposed rule after completing listings for other species facing threats of higher magnitude. This proposed rule was prepared in accordance with our final listing priority guidance published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance calls for giving highest priority to handling emergency situations (Tier 1); second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings, resolving the conservation status of candidate species, processing administrative findings on petitions, and processing a limited number of delistings and reclassifications; and third priority (Tier 3) to processing proposed and final designations of critical habitat. The processing of this proposed rule falls under Tier 2.

#### Summary of Factors Affecting the Species

Section 4 of the Act and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act set forth the procedures for adding species to the Federal lists. A species may be determined to be an endangered or threatened species due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Santa Ana sucker are as follows:

A. *The present or threatened destruction, modification, or curtailment of its habitat or range.* Moyle and Yoshiyama (1992) concluded that the native range of the Santa Ana sucker is largely coincident with the Los

Angeles metropolitan area. Intensive urban development of the area has resulted in water diversions, extreme alteration of stream channels, changes in the watershed that result in erosion and debris torrents, pollution, and the establishment of introduced of non-native fishes. Moyle and Yoshiyama (1992) stated, "[e]ven though Santa Ana suckers seem to be quite generalized in their habitat requirements, they are intolerant of polluted or highly modified streams." The impact associated with urbanization is likely the significant cause of the extirpation of this species from lowland reaches of the Los Angeles River and San Gabriel River.

As the Los Angeles urban area expanded, the Los Angeles, Santa Ana, and San Gabriel rivers were highly modified, channelized, or moved in an effort to either capture water runoff or protect property. As Moyle (1976) stated, "[t]he lower Los Angeles River is now little more than a concrete storm drain." The same is true for the Santa Ana and San Gabriel rivers. These channelized rivers and canals with uniform and altered substrates are not suitable for sustaining Santa Ana sucker populations (Chadwick and Associates 1996). Past and continuing projects have resulted (or will result) in channelization and concrete lining of the Santa Ana River channel throughout most of the native range of the Santa Ana sucker in Orange County. Urban development also threatens the Santa Ana sucker in the Los Angeles and Santa Ana river basins. In addition to physically altering the rivers, this urban development has resulted in changes in water quality and quantity, as well as the hydrologic regime of the systems.

All three river systems within the historic range of the Santa Ana sucker have dams that isolate and fragment fish populations. Dams likely have resulted in some populations being excluded from suitable spawning and rearing tributaries. Reservoirs also provide areas where introduced predators and competitors can live and reproduce (see factor C of this section). Seven Oaks Dam, now under construction upstream from the present range of Santa Ana sucker in the Santa Ana River, will prevent future upstream movement of fish and further isolate the Santa Ana sucker populations from their native range in the headwaters of the system.

The West Fork of the San Gabriel River is threatened by accidental high flows from Cogswell Reservoir, which have devastated this section of stream several times in the past (Moyle and Yoshiyama 1992; Haglund and Baskins 1992; T. Haglund, *in litt.* 1996). T.

Haglund (*in litt.* 1996) stated that, "[t]he West Fork population was wiped out by a sluicing event (to remove sediment by releasing a sudden flow of water) from Cogswell Dam in 1981 (anecdotal data) but recolonized from tributaries that acted as refugia. However, data (from CDFG, no date) suggest that the suckers have never returned to their former abundance." Santa Ana suckers have biological adaptations that allow the fish to quickly repopulate streams following periodic flood events. However, successive high flows threaten to eliminate the sucker population in the West Fork of the San Gabriel River by rapidly depleting the individuals soon after they migrate into the mainstem from tributaries. Proposals exist to sluice or otherwise remove sediment from the Cogswell, Morris, and San Gabriel reservoirs on the San Gabriel River system (W. Phillips, California Regional Water Quality Control Board, Los Angeles Region, *in litt.* 1998). The potential effects of these proposals, the deposition of large amounts of silt on the streambed and rapid increase in suspended sediments in the water column, threaten the Santa Ana sucker populations in the San Gabriel River.

The petitioners contended that suction dredge mining has increased in the Cattle Canyon tributary to the East Fork of the San Gabriel River, threatening the Santa Ana sucker. However, the petitioner did not provide evidence that suction dredging poses a threat to the existence of the fish. We received a comment during the petition review process indicating that no suction dredging has occurred in Cattle Canyon and suggesting that the petitioners took Moyle and Yoshiyama (1992) out of context. (G. Hobbs, Public Lands Action Committee, *in litt.* 1996). The commenter also questioned the veracity of the report by Moyle and Yoshiyama and suggested suction dredging is beneficial to Santa Ana sucker.

The CDFG, (P. Wolf, *in litt.* 1996) indicated they are not aware of suction dredging in the Cattle Canyon tributary to the East Fork of the San Gabriel River. However, they had issued nearly 200 Special Dredge Permits for the East Fork of the San Gabriel River in 1995, the first time the East Fork had been dredged in 15 years.

Surveys in June of 1996 and 1997 indicate the East Fork of the San Gabriel River continues to maintain a healthy Santa Ana sucker population (R. Ally, CDFG, *in litt.* 1996; J. Hernandez, CDFG, *in litt.* 1997). Few studies exist on the impacts of suction dredging on fishes and none that specifically address Santa

Ana suckers. In their review of the literature, Harvey *et al.* (1995) concluded that small larvae of fish such as suckers are easily damaged by physical disturbance, but adults and juveniles are unlikely to be directly affected by entrainment because they either avoid or survive passage through suction dredges. The impact of increased suspended sediment is difficult to predict because of the variability in production of suspended sediment and the ways biota may be affected. Possible impacts associated with suction dredging include changes in stream substrates or food supply. Based on this information, we conclude that suction dredging may impact larvae and eggs of Santa Ana suckers, particularly if dredging is concentrated in an area containing spawning suckers.

Although the Santa Ana sucker evolved under conditions that presumably included droughts, some water diversions and management practices threaten the continued existence of the species. For example, stretches of the upper Santa Ana River have been permanently dewatered, eliminating Santa Ana sucker populations and migration through these reaches to other areas (Swift *et al.* 1993, Swift 1996). As previously discussed, channelization of the rivers of the Los Angeles Basin, water quality degradation, and dam construction have all combined to lower the quality of and eliminate historic Santa Ana sucker habitat. Future human population and urban growth of the basin will further stress the natural resources of the basin and likely exacerbate these conditions.

Fluctuations in water quality in the Santa Ana and Los Angeles Rivers may threaten the Santa Ana sucker (Moyle and Yoshiyama 1992). Several researchers contend nutrient loading rather than acute toxicity may threaten the fish (C. Swift and T. Haglund, pers. comm. 1996). However, in 1991 Chadwick & Associates (1992) found suckers to be common in some areas upstream from Prado Dam where several water treatment facilities discharge into the Santa Ana River. They attribute the high sucker numbers to adequate water supplies discharged by the treatment facilities and the presence of tributaries that offer spawning areas and refugia to the suckers. Nevertheless, Santa Ana sucker numbers are much reduced in the Santa Ana River (Moyle and Yoshiyama 1992; P. Wolf, *in litt.* 1996). Although water quality tolerances of this species are unknown, in general, point and non-point source pollution (e.g., urban runoff, sedimentation, etc.) have significantly degraded the aquatic resources in most of the native range of

the Santa Ana sucker. In an effort to identify which water quality parameters affect the Santa Ana sucker, the United States Geologic Survey, Biological Resources Division in conjunction with us, the Orange County Water District, the County of Orange, California, and the Los Angeles County Department of Public Works, is initiating a study of the water quality tolerances of the species. Based on currently available information, we conclude that increased turbidity and associated deposition of fine particles and sand likely threaten the Santa Ana sucker population in the Santa Ana River by decreasing the availability of cobble and other hard substrates preferred by the species (Moyle and Yoshiyama 1992).

**B. Overutilization for commercial, sporting, scientific, or educational purposes.** The CDFG reported Santa Ana suckers being illegally caught with gill and throw nets in the Santa Ana River below Prado Dam (Lt. M. Maytorena, CDFG, pers. comm. 1997). The relative impact of these collections on the species is unknown.

**C. Disease or predation.** Moyle and Yoshiyama (1992) concluded that introduced brown trout (*Salmo trutta*) may have caused the extirpation of the Santa Ana sucker from the upper San Gabriel River in the San Bernardino Mountains. The petitioners noted that centrachids (sunfishes) and bullheads prey on suckers. In the Los Angeles River such introduced predators aggregate in pools during droughts, presumably feeding on native fishes including Santa Ana suckers (Sierra Club Legal Defense Fund 1994). Similar conditions exist in the Santa Ana River. Predation by introduced fishes in combination with habitat destruction has been implicated in the decline of other species of suckers in the southwest (Minckley *et al.* 1991, Scopetone and Vinyard 1991). Accordingly, introduced predators and competitors likely threaten the continued existence of Santa Ana suckers throughout most of the species' range.

**D. The inadequacy of existing regulatory mechanisms.** Despite the presence of existing regulatory mechanisms and conservation activities accomplished to date by private, State, and Federal entities, the Santa Ana sucker has continued to decline throughout a significant portion of its range. Existing regulatory mechanisms that may provide some protection for the Santa Ana sucker include—(1) the California Endangered Species Act, (2) the California Environmental Quality Act (CEQA), (3) the National Environmental Policy Act (NEPA), (4)

the Clean Water Act, (5) the Federal Endangered Species Act in those cases where the Santa Ana sucker occurs in areas where other federally listed species are located, and (6) land management or conservation measures by Federal, State, or local agencies or by private groups and organizations.

The State of California considers the Santa Ana sucker a "species of special concern." However, the Santa Ana sucker is not listed as endangered or threatened by the State, and "species of special concern" are afforded no protection under the California Endangered Species Act.

The California Environmental Quality Act (CEQA) requires full public disclosure of the potential environmental impact of proposed projects. This law also obligates disclosure of environmental resources within proposed project areas and may enhance opportunities for conservation efforts. However, CEQA does not guarantee that such conservation efforts will be implemented. The public agency with primary authority or jurisdiction over the project is designated as the lead agency, and is responsible for conducting a review of the project and consulting with other agencies concerned with resources affected by the project. Section 15065 of the CEQA guidelines requires a finding of significance if a project has the potential to "reduce the number or restrict the range of a rare or endangered plant or animal." Species that are eligible for listing as rare, threatened, or endangered but are not so listed are given the same protection as those species that are officially listed with the State. Once significant impacts are identified, the lead agency may either require mitigation for effects through changes in the project or decide that overriding considerations justify approval of a project with significant impacts. In the latter case, projects may be approved that cause significant environmental damage, such as resulting in the loss of sites supporting State-listed species. Protection of listed species through CEQA is, therefore, not assured.

Local lead agencies responsible under CEQA have made determinations that have adversely affected, or would adversely affect, the Santa Ana sucker and its habitat. Examples of projects that have been completed or are currently undergoing the review process under CEQA and/or NEPA and will impact this species include the Santa Ana River Mainstem Project, which contains multiple projects including Seven Oaks Dam and the raising of Prado Dam, and continued channelization of the Santa

Ana River in Orange County. These reviews have not addressed the effects of the proposed actions on Santa Ana sucker. Similarly, on the San Gabriel River, proposed silt removal from Cogswell Dam may affect the sucker. While projects altering a stream course are subject to review under section 1601 or 1603 of the California Fish and Game Code, such State regulations have not prevented habitat loss or sufficiently protected habitat to prevent the decline of the Santa Ana sucker.

Section 404 of the Clean Water Act represents the primary Federal law that affords some protection for the Santa Ana sucker because the sucker occurs in an aquatic environment. However, the Clean Water Act, by itself does not provide adequate protection for Santa Ana sucker. Although the objective of the Clean Water Act is to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters" (33 U.S.C. § 1251), no specific provisions exist that address the need to conserve rare species. The Army Corps of Engineers (Corps) is the Federal agency responsible for administering the section 404 program. Under section 404, nationwide permits may be issued for certain activities that are considered to have minimal impacts, including minor dredging and discharges of dredged material, some road crossings, and minor bank stabilization (December 13, 1996; 61 FR 65873). However, the Corps seldom withholds authorization of an activity under nationwide permits unless the existence of a listed threatened or endangered species would be jeopardized. Activities that do not qualify for authorization under a nationwide permit, including projects that would result in more than minimal adverse environmental effects, either individually or cumulatively, may be authorized by an individual or regional general permit, which are typically subject to more extensive review. Regardless of the type of permit deemed necessary under section 404, rare species such as Santa Ana sucker may receive no special consideration with regard to conservation or protection unless they are listed under the Act.

As part of the section 404 review process, we provide comments to the Corps on nationwide permits and individual permits. Our comments are only advisory, although procedures exist for elevating permit review within the agencies when disagreements between us and the Corps arise concerning the issuance of a permit. In practice, the section 404 permit review process has often proven to be inadequate to protect unlisted but rare species such as the Santa Ana sucker.

The Santa Ana sucker may receive a small amount of benefit from the possible presence of the least Bell's vireo (*Vireo bellii pusillus*) and southwestern willow flycatcher (*Empidonax traillii extimus*) on the Santa Ana River. These two animals are federally listed species. However, this benefit is diminished because these species occupy different areas and habitats and have dissimilar ecological requirements from the Santa Ana sucker. Vireos and flycatchers occur in well-developed streamside vegetation. Santa Ana suckers inhabit streams that are generally small and shallow, and subject to periodic severe flooding. Overlapping range with these listed birds provides little, if any, protection for the Santa Ana sucker. The San Bernardino kangaroo rat (*Dipodomys merriami parvus*) is another federally listed species that occurs along the Santa Ana River; however, it occurs upstream from the present known range of the Santa Ana sucker. Therefore, the listing of the San Bernardino kangaroo rat will have little effect on the status or protection afforded the sucker.

Similarly, critical habitat designation for the least Bell's vireo and southwestern willow flycatcher offers little direct benefit to the Santa Ana sucker because these birds occupy different areas and habitats and have dissimilar ecological requirements from the Santa Ana sucker. However, these designations may have discouraged some ecologically damaging projects in the floodplain from being proposed. This preventative effect may have benefitted the Santa Ana sucker.

Forest Service lands encompass approximately 20 percent of the current known range of the Santa Ana sucker. Although a small portion of the range is within a designated wilderness area, the remaining portions of the range on Forest Service lands are not under wilderness management. Wilderness designation offers no direct regulatory protection to the sucker, but it does reduce some human induced impacts on the stream. For example, machines that require motors are excluded from these areas. This reduces or eliminates all motorized recreation and mining activities within the wilderness areas. These types of activities may harm Santa Ana sucker populations and thus wilderness designation offers some indirect benefit to the species. However, thousands of people from the Los Angeles metropolitan area and adjacent urban communities annually use both wilderness and nonwilderness areas within the Angeles National Forest's Big Tujunga Creek and San Gabriel Forks areas for recreation. The impact of the

large number of people using these areas is destruction of streambank vegetation, streambank erosion, and the disposal of untreated human waste and other refuse into the creeks, all of which degrade water quality.

The status and threats to the Santa Ana sucker reflect the inadequacy of existing Federal, State, and local ordinances and statutes to protect and provide for the conservation of this fish.

E. *Other natural or manmade factors affecting its continued existence.* Periodic wildfires may adversely affect Santa Ana suckers by causing direct mortality, eliminating vegetation that shades the water and moderates water temperature, or producing silt and ash laden runoff that can significantly increase the turbidity of rivers. Recent fires, including the 1996 Biedebach fire, burned near the vicinity of Prairie Fork on the East Fork of the San Gabriel River. The fires did not burn the riparian corridor, but may contribute increased runoff and siltation to the creek.

The high degree of fragmentation of the remaining Santa Ana sucker populations makes the species especially vulnerable to random events, environmental factors, and loss of genetic variability. A small population size increases the rate of inbreeding and may allow increased expression of deleterious recessive genes occurring in the population (known as inbreeding depression). Loss of genetic variability, through random genetic drift (random gene frequency changes in a small population due to chance), reduces the ability of small populations to respond successfully to environmental stresses. Most of the lowland river habitats have been lost and the remaining populations of Santa Ana suckers are low in numbers, with the exception of the San Gabriel Forks populations. Random events such as floods, variations of annual weather patterns, predation and associated demographic uncertainty (conditions affected by chance events, such as sex ratios, that influence survival and reproduction in small populations) or other environmental stresses and human-caused factors such as chemical spills, may lead to the demise of the remnant populations in the Los Angeles or Santa Ana basins.

We have carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by this species in determining to propose this rule. Based on this evaluation, the preferred action is to list the Santa Ana sucker (*Catostomus santaanae*) as threatened. While not in immediate danger of extinction, the Santa Ana sucker is

likely to become an endangered species in the foreseeable future if the present threats and declines continue. Based on this evaluation, the preferred action is to list the Santa Ana sucker (*Catostomus santaanae*) as threatened.

#### Critical Habitat

Critical habitat is defined in section 3 of the Act as: (I) The specific areas within the geographic area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (i) essential to the conservation of the species and (ii) that may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by a species at the time it is listed, upon a determination that such areas are essential for the conservation of the species. "Conservation" means the use of all methods and procedures needed to bring the species to the point at which listing under the Act is no longer necessary.

Section 4(a)(3) of the Act, as amended, and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time the species is determined to be endangered or threatened. Service regulations (50 CFR 424.12(a)) state that critical habitat is not determinable if information sufficient to perform required analysis of the impacts of the designation is lacking or if the biological needs of the species are not sufficiently well known to permit identification of an area as critical habitat. Section 4(b)(2) of the Act requires us to consider economic and other relevant impacts of designating a particular area as critical habitat on the basis of the best scientific data available. The Secretary may exclude any area from critical habitat if he determines that the economic benefits of such exclusion outweigh the conservation benefits, unless to do such would result in the extinction of the species.

We find that critical habitat is not determinable for the Santa Ana sucker at this time. When a "not determinable" finding is made, we must, within 2 years of the publication date of the original proposed rule, designate critical habitat, unless the designation is found to be not prudent.

In designating critical habitat, we consider the following requirements of the species: space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or

shelter; sites for breeding, reproduction, or rearing of offspring; and, generally, habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of this species (see 50 CFR 424.12(b)). In addition to these factors, we also focus on the known physical and biological features (primary constituent elements) within the designated area that are essential to the conservation of the species and may require special management considerations or protection. The essential features for the Santa Ana sucker may include, but are not limited to, spawning sites, food resources, and water quality and quantity (see 50 CFR 424.12(b)).

Williams and Finnley (1977) stated that the most serious and frequent threat to a species' existence is alteration of its natural habitat. Changes come in various ways, but they generally are physical, chemical, or biological. In an aquatic ecosystem, the components including a species' primary constituent elements are so tightly intertwined that effects on one alter others. Physical changes are the most obvious; they include dams, water diversion structures, stream channelization and dredging, as well as sedimentation and turbidity from urban runoff. Chemical alteration from pollution such as industrial chemicals, pesticides, and high concentrations of nutrients cause damage to the aquatic environment, frequently upsetting the acid-base aquatic balance and reducing levels of dissolved oxygen in the water column. Biological alterations can occur from introducing non-native species into the habitat resulting in predation, competition, or hybridization, any of which may adversely affect a native species. In the case of the Santa Ana sucker, any one or combination of such physical, chemical, or biological changes may result in negative impacts to the primary constituent elements and exceed the environmental limitations of the species thereby reducing population numbers, decreasing reproductive success, or altering species distribution through habitat fragmentation.

We conclude that there is insufficient knowledge and understanding of the biological needs and environmental limitations of the Santa Ana sucker and the primary constituent elements of its habitat to determine critical habitat for the fish. We think that the Santa Ana sucker is intolerant of highly polluted waters but little information is available concerning these possible limiting factors. Furthermore, in the Santa Ana River, suckers remain extant, although rare, in the lowlands where water

quality is degraded as compared to the headwaters. We need additional information on the environmental limits of the sucker to enable us to accurately designate critical habitat for the Santa Ana sucker throughout its range. The physical and biological features including but not limited to water chemistry, water temperature, instream flows, streambed substrate and structure, and fauna and flora of the aquatic environment that supports the Santa Ana sucker are the features about which we need additional information. In an effort to gain these data, the Orange County Water District, the County of Orange, California, and the Los Angeles County Department of Public Works are working cooperatively with the National Fish and Wildlife Foundation, the Biological Resources Division of the United States Geologic Survey, and us to fund and implement research on the environmental limitations of the Santa Ana Sucker. The study will identify environmental parameters, including water quality (e.g., dissolved oxygen, turbidity, water chemistry, and water temperature) and some physical variables (e.g., flows, and streambed substrate and structure) associated with variations in population densities. If correlations are found, future research will focus on the variable(s) most likely to limit sucker populations.

The study began in late 1998 and results should be available in 2000. We will then reevaluate our knowledge of the species and, if determined prudent, propose critical habitat for the Santa Ana sucker. We will continue in our efforts to obtain more information on Santa Ana sucker biology and ecology, including distribution, population density, and essential habitat characteristics particularly in regard to water quality. We will use the information resulting from these efforts to identify measures needed to achieve conservation of the species, as defined under the Act.

#### Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened under the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages and results in conservation actions by Federal, State, and private agencies, groups, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery plans be developed for all listed species. The

protection required of Federal agencies are discussed, in part, below.

Section 7(a) of the Act, as amended, requires Federal agencies to evaluate their actions with respect to any species that is proposed or listed as endangered or threatened and with respect to its critical habitat, if any is being designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(2) requires Federal agencies to confer informally with us on any action that is likely to jeopardize the continued existence of a federally listed species or result in destruction or adverse modification of its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must consult with us.

Federal agencies expected to have involvement with section 7 regarding the Santa Ana sucker include the Army Corps of Engineers and the Environmental Protection Agency because of their permit authority under section 404 of the Clean Water Act. The Forest Service will be involved through its activities on Angeles National Forest and Los Padres National Forest. These agencies either administer lands/waters containing the Santa Ana sucker or authorize, fund, or otherwise conduct activities that may affect this species.

The Act and implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened wildlife not covered by a special rule. These prohibitions, codified at 50 CFR 17.21 and 17.31, in part, make it illegal for any person subject to the jurisdiction of the United States to take (including harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt any such conduct), import or export, transport in interstate or foreign commerce in the course of commercial activity, or sell or offer for sale in interstate or foreign commerce any listed species. It is also illegal to possess, sell, deliver, carry, transport, or ship any such wildlife that has been taken illegally. Certain exceptions apply to our agents and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving threatened wildlife under certain circumstances. Regulations governing permits are at 50 CFR 17.32. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities. For threatened species, permits also are available for zoological exhibition, educational purposes, or special

purposes consistent with purposes of the Act.

It is our policy, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practical at the time a species is listed those activities that would or would not constitute a violation of section 9 of the Act. The intent of this policy is to increase public awareness of the effect of a listing on proposed and ongoing activities within a species' range. We believe the following actions would not likely result in a violation of section 9:

(1) Existing discharges into waters supporting these species, provided these activities are carried out in accordance with existing regulations and permit requirements (e.g., activities subject to sections 402, 404, and 405 of the Clean Water Act including discharges regulated under the National Pollutant Discharge Elimination System (NPDES)).

(2) Actions that may affect the Santa Ana sucker and are authorized, funded or carried out by a Federal agency when the action is conducted in accordance with any reasonable and prudent measures given by us in accordance with section 7 of the Act.

(3) Normal agricultural and silvicultural practices, including pesticide and herbicide use, that are carried out in accordance with any existing regulations, permit and label requirements, and best management practices.

(4) Development and construction activities designed and implemented in accordance with State and local water quality regulations.

(5) Existing recreational activities, such as swimming, wading, canoeing, and fishing.

(6) Possession, transport within or between States, and import and export of Santa Ana suckers that have not been sold or offered for sale and were legally collected prior to the date of publication in the **Federal Register** of the final regulation adding this taxa to the list of threatened and endangered species.

Activities that we believe could potentially harm the Santa Ana sucker and result in a violation of section 9 of the Act include, but are not limited to:

(1) Take of Santa Ana suckers without a permit, which includes harassing, harming, pursuing, hunting, shooting, wounding, killing, trapping, capturing, or collecting, or attempting any of these actions.

(2) Possess, sell, deliver, carry, transport, or ship illegally taken Santa Ana suckers.

(3) Unauthorized interstate and foreign commerce (commerce across

state and international boundaries) and import/export.

(4) Introduction of non-native species that compete or hybridize with, or prey on Santa Ana suckers.

(5) Unauthorized destruction or alteration of Santa Ana sucker habitat by dredging, channelization, diversion, in-stream vehicle operation or rock removal, or other activities that result in the destruction or significant degradation of cover, channel stability, substrate composition, water quality, water temperature, and migratory corridors used by the species for foraging, cover, migration, and spawning.

(6) Discharges or dumping of toxic chemicals, silt, organic waste, or other pollutants (such as may result from mining, land development or land management activities) into waters supporting Santa Ana suckers that results in death or injury to the species or results in the destruction or degradation of cover, channel stability, substrate composition, water quality, water temperature, and migratory corridors used by the species for foraging, cover, migration, and spawning.

Questions regarding whether specific activities may constitute a violation of section 9 should be directed to the Field Supervisor of the Service's Carlsbad Fish and Wildlife Office (see **ADDRESSES** section). Requests for copies of the regulations regarding listed wildlife and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181 (telephone 503/231-6241; facsimile 503/231-6243)

#### Public Comments Solicited

We intend that any final action resulting from this proposal will be as accurate and as effective as possible. Therefore, we request comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning this proposed rule. Comments particularly are sought concerning:

(1) Biological, commercial trade, or other relevant data concerning any threat (or lack thereof) to this species;

(2) The location of any additional occurrences of this species and the reasons why any habitat should or should not be determined to be critical habitat pursuant to section 4 of the Act;

(3) Additional information concerning the range, distribution, and population size of this species;

(4) Current or planned activities in the subject area and their possible impacts on the Santa Ana sucker or its habitat;

(5) Information regarding the introduction of the Santa Clara River population and the role it may play in the recovery of this species.

We will take into consideration your comments and any additional information received on this species when making a final determination regarding this proposal. The final determination may differ from this proposal based upon the information we receive.

You may request a public hearing on this proposal. Your request for a hearing must be made in writing and filed within 45 days of the date of publication of this proposal in the **Federal Register**. Address your request to the Field Supervisor of the Service's Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

**Executive Order 12866**

Executive Order 12866 requires agencies to write regulations that are easy to understand. We invite your comments on how to make this proposal easier to understand including answers to questions such as the following: (1) Is the discussion in the "Supplementary Information" section of the preamble helpful in understanding the proposal? (2) Does the proposal contain technical language or jargon that interferes with its clarity? (3) Does the format of the proposal (grouping and order of sections, use of headings, paragraphing,

etc.) aid or reduce its clarity? What else could we do to make the proposal easier to understand?

Send a copy of any comments that concern how we could make this notice easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to: [Exsec@ios.doi.gov](mailto:Exsec@ios.doi.gov).

**National Environmental Policy Act**

We have determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining our reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

**Paperwork Reduction Act**

This rule does not contain any new collections of information other than those already approved under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.*, and assigned Office of Management and Budget clearance number 1018-0094. An agency may not conduct or sponsor, and a person is not required to respond to a collection of information, unless it displays a currently valid control number. For additional information concerning permit and associated requirements for threatened species, see 50 CFR 17.32.

**References Cited**

A complete list of all references cited herein is available upon request from the Carlsbad Fish and Wildlife Office (see **ADDRESSES** section).

Author: The primary author of this document is Dr. Paul J. Barrett, Carlsbad Fish and Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

**List of Subjects in 50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and record keeping requirements, Transportation.

**Proposed Regulation Promulgation**

Accordingly, the Service proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

**PART 17—[AMENDED]**

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

2. Amend § 17.11(h) by adding the following, in alphabetical order under FISHES, to the List of Endangered and Threatened Wildlife:

**§ 17.11 Endangered and threatened wildlife.**

\* \* \* \* \*  
(h) \* \* \*

SPECIES		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
FISHES							
Sucker, ..... Santa Ana .....	<i>Catostomus</i> ..... <i>santaanae</i> .....	U.S.A. (CA) .....	Los Angeles, ..... San Gabriel, ..... and Santa Ana ..... River basins. ....	T	*	NA	NA
		*	*	*	*		



Dated: January 14, 1999

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 99-1700 Filed 1-25-99; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AF36

#### Endangered and Threatened Wildlife and Plants; Notice of Public Hearings on Proposed Critical Habitat Determinations for the Cactus Ferruginous Pygmy-Owl and the Plant *Lilaeopsis schaffneriana* ssp. *recurva*, (Huachuca Water Umbel)

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Proposed rule; notice of public hearings.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that public hearings will be held on the proposed determination of critical habitat for the plant *Lilaeopsis schaffneriana* ssp. *recurva*, (Huachuca water umbel), and the cactus ferruginous pygmy-owl (*Glaucidium brasilianum cactorum*). The hearings will allow all interested parties to submit oral comments on the proposals.

**DATES:** Each public hearing will be for the purpose accepting public comment on either or both proposals. These hearings will be held from 7 p.m. to 9 p.m. on February 10, 1999 in Coolidge, Arizona; on February 11, 1999 in Sierra Vista, Arizona; and on February 12, 1999 in Tucson, Arizona. The comment period for these proposals will remain open until March 1, 1999. Comments must be received by the closing date.

Any comments that are received after the closing date may not be considered in the final decision on these proposals.

**ADDRESSES:** The public hearings will be held at the Coolidge Unified School District Auditorium, 800 West Northern Avenue, Coolidge, Arizona; Buena Performing Arts Center (Buena High School), 5225 Buena School Boulevard,

Sierra Vista, Arizona; and Leo Rich Theatre (Tucson Convention Center), 260 South Church Avenue, Tucson, Arizona. Oral and written comments will be accepted at the hearings. Additionally, written comments can be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Service address.

**FOR FURTHER INFORMATION CONTACT:** Tom Gatz, Endangered Species Coordinator, at the above address (telephone 602/640-2720 ext. 240; facsimile 602/640-2730).

#### SUPPLEMENTARY INFORMATION:

##### Background

The cactus ferruginous pygmy-owl is one of four subspecies of the ferruginous pygmy-owl. It occurs from lowland central Arizona south through western Mexico to the States of Colima and Michoacan, and from southern Texas south through the Mexican States of Tamaulipas and Nuevo Leon. Only the Arizona population of *Glaucidium brasilianum cactorum* is listed as an endangered species. The Service proposed designation of approximately 730,565 acres of riverine riparian habitat and upland habitat as critical habitat for the cactus ferruginous pygmy-owl pursuant to the Endangered Species Act of 1973, as amended (Act). Proposed critical habitat is in Pima, Cochise, Pinal, and Maricopa counties, Arizona as described in the **Federal Register** (63 FR 71820; December 30, 1999).

The Huachuca water umbel is a plant found in cienegas (desert marshes), streams and springs in southern Arizona and northern Sonora, Mexico, typically in mid-elevation wetland communities often surrounded by relatively arid environments. These communities are usually associated with perennial springs and stream headwaters, have permanently or seasonally saturated highly organic soils, and have a low probability of flooding or scouring. The Service proposed critical habitat including a total of 83.9 kilometers (52.1

miles) of streams or rivers in Cochise and Santa Cruz counties, Arizona (63 FR 71838; December 30, 1999).

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. However, due to the expeditious treatment of these proposed critical habitat determinations under Federal District Court order as described in the proposed rules, the Service has arranged for three public hearings to be held in proximity to the areas proposed for critical habitat designation. Each hearing will be held to accept information for both the pygmy-owl and the water umbel critical habitat proposals on the dates and at the addresses described above.

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it to the Service at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Service.

Legal notices announcing the dates, times, and locations of the hearings will be published in newspapers concurrently with this **Federal Register** notice. The current comment period on this proposal closes on March 1, 1999. Written comments may be submitted to the Service office in the **ADDRESSES** section.

Author: The primary author of this notice is Jeffrey A. Humphrey (see **ADDRESSES**).

#### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531-1544).

Dated: January 20, 1999.

**Geoffrey L. Haskett,**

*Acting Regional Director, Region 2, Fish and Wildlife Service.*

[FR Doc. 99-1692 Filed 1-25-99; 8:45 am]

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