

proposed approval and other information in the Final Rules section of this **Federal Register**.

In the "Rules and Regulations" section of **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because EPA views this as a noncontroversial revision and anticipate no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no adverse comment, EPA will not take further action on this proposed rule. If EPA receives adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: We must receive your comments on this proposed rule in writing, by April 19, 2000. If we do not receive any adverse comment, then the direct final rule will be effective on May 19, 2000.

ADDRESSES: You should send your written comments to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PDL) at the address given below. You may inspect copies of the State's SIP revision and other relevant information during normal business hours at the following locations. If you wish to examine these documents, you should make an appointment with the appropriate office at least 24 hours before the visiting day.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, telephone: (214) 665-7214.

New Mexico Environment Department, Harold Runnels Building, 1190 St. Francis Drive, P.O. Drawer 226110, Santa Fe, New Mexico, telephone: (505) 827-4200.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E. or Mr. Ken Boyce; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665-7247 or (214) 665-7259, respectively. behnam.jahanbakhsh@epamail.epa.gov or boyce.kenneth@epamail.epa.gov.

SUPPLEMENTARY INFORMATION: If you wish to obtain additional information, you should read the Direct Final rule which is located in the Rules section of this **Federal Register**.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone, Particulate matter, Transportation conformity, Transportation-air quality planning, Volatile organic compounds.

Authority: 42 U.S.C. 7401-7671 *et seq.*

Dated: March 8, 2000.

Lynda F. Carroll,

Acting Regional Administrator, Region 6.

[FR Doc. 00-6564 Filed 3-17-00; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 12-Month Finding for a Petition To List the Great Basin Redband Trout as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 12-month petition finding.

SUMMARY: We, the Fish and Wildlife Service (Service), announce a 12-month finding for a petition to list the Great Basin redband trout (*Oncorhynchus mykiss* ssp.) as threatened or endangered pursuant to the Endangered Species Act of 1973, as amended (Act). Great Basin redband trout maintain viable and self-sustaining populations in the Catlow, Fort Rock, Harney, Goose Lake, Warner, and Chewaucan Basins that make up Oregon's Great Basin. Great Basin redband trout densities are moderate to high in each of these basins. After review of all available scientific and commercial information, we find that listing the Great Basin redband trout is not warranted at this time.

DATES: The finding announced in this document was made on March 13, 2000.

ADDRESSES: You may submit questions concerning this petition finding to the Field Supervisor, U.S. Fish and Wildlife Service, Oregon State Office, 2600 SE. 98th Ave., Suite 100, Portland, Oregon 97266. You may obtain copies of the status review for Great Basin redband trout from the above address. The complete administrative file for this finding is also available for inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Antonio Bentivoglio, at the above address, or telephone (503) 231-6179.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(B) of the Act (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action is: (a) Not warranted, (b) warranted, or (c) warranted but precluded from immediate proposal by other pending listing proposals of higher priority. Such 12-month findings are to be published promptly in the **Federal Register**.

The processing of this petition finding conforms with our Listing Priority Guidance published in the **Federal Register** on October 22, 1999 (64 FR 57114). The guidance clarifies the order in which we will process rulemakings. Highest priority is processing emergency listing rules for any species determined to face a significant and imminent risk to its well-being (Priority 1). Second priority (Priority 2) is processing final determinations on proposed additions to the lists of endangered and threatened wildlife and plants. Third priority is processing new proposals to add species to the lists. The processing of administrative petition findings (petitions filed under section 4 of the Act) is the fourth priority. The processing of this petition finding is a Priority 4 action and is being completed in accordance with the current Listing Priority Guidance.

On September 8, 1997, we received a formal petition to list the Great Basin redband trout as threatened or endangered throughout its range in southeastern Oregon, northeastern California, and northwestern Nevada. Specifically the petition addressed the redband trout populations in Catlow, Fort Rock, Harney, Goose Lake, Warner, and Chewaucan Basins (together these six closed basins make up the Great Basin as described in the petition). The petition also requested the designation of critical habitat concurrent with listing. Petitioners included the Oregon Natural Desert Association (ONDA), Oregon Trout, Native Fish Society, and the Oregon Council of Trout Unlimited.

At the time the petition was received, we were operating under the final listing priority guidance for fiscal year 1997, published December 5, 1996 (61 FR 64475), and an extension of that listing priority guidance published October 23, 1997 (62 FR 55268). Based on biological considerations, the guidance established a "multi-tiered approach that assigned relative priorities, on a descending basis, to

actions carried out under section 4 of the Act" (61 FR 64479).

On September 24, 1997, we sent a letter to the main petitioner, ONDA, acknowledging receipt of the Great Basin redband trout petition and stating our intent to proceed with a 90-day finding according to the listing priority guidance issued on December 5, 1996 (61 FR 64475). On November 10, 1997, we sent a letter to ONDA informing them that we had done a preliminary review of the petition (as described in 61 FR 64475) and no emergency existed for listing the Great Basin redband trout and, therefore, that the petition fell into the Tier 3 category as described in 61 FR 64475.

We further indicated that our Oregon Fish and Wildlife Office (which was assigned the responsibility for processing the petition) in Portland, Oregon, would continue to direct personnel and budget toward accomplishment of ongoing Tier 2 and Tier 3 activities for species judged to be in greater need of the Act's protection than Great Basin redband trout. As these higher priority activities were accomplished, and personnel and funds became available, we would proceed with the 90-day finding on the petition for Great Basin redband trout.

On January 13, 1998, we received a notice of intent to sue from the petitioners for failure to respond to the Great Basin redband trout petition within 90 days. On March 13, 1998, a lawsuit was filed asking for declaratory judgment that we failed to make a 90-day finding on the petition to list the Great Basin redband trout.

On May 8, 1998, we published the final listing priority guidance for fiscal years 1998 and 1999 (63 FR 25502). This new guidance changed the four-tier priority system to a three-tier system. Under the three-tier system, first priority (Tier 1) was completion of emergency listings for species facing the greatest risk to their well-being. Second priority (Tier 2) was processing final decisions on pending proposed listings; processing new proposals to add species to the list; processing 90-day and 12-month administrative findings on petitions to add species to the lists, and petitions to delist or reclassify species; and delisting or downlisting actions on species that have achieved or are moving toward recovery. Third priority (Tier 3) was processing petitions for critical habitat designations and preparing proposed and final critical habitat designations. Under the new guidance, the processing of the Great Basin redband trout petition was a Tier 2 action.

On November 16, 1998, we published a 90-day finding (63 FR 63657) that the petition provided substantial information indicating that the listing of the Great Basin redband trout as threatened or endangered may be warranted. At the time, we initiated a status review for the Great Basin redband trout with a request for information and public comment with a closing date of January 15, 1999. On January 6, 1999 (64 FR 821), the public comment period was extended until March 16, 1999. Public information meetings were held in Lakeview, Oregon, on February 2, 1999, and in Burns, Oregon, on February 3, 1999.

On November 23, 1998, Earthlaw filed a notice of intent to sue for violation of the Act. On March 22, 1999, a lawsuit was filed by the Southwest Center for Biological Diversity for failure to complete a 12-month finding on the Great Basin redband trout. On November 17, 1999, the Court ordered us to complete the 12-month finding by March 15, 2000.

Status Review

A status review team consisting of our biologists was appointed to prepare the status review for Great Basin redband trout and make appropriate recommendations in response to the petitioned listing action.

Redband trout are related to the more widely distributed rainbow trout (*Oncorhynchus mykiss*). Great Basin redband trout occur in Oregon's Great Basin, which comprises six closed basins in southeastern Oregon, and small portions of northeastern California and northwestern Nevada. These six basins have no direct connection to the ocean. Several of these basins have semipermanent lakes or marshes that redband trout occupy when they contain water. Severe drought in the early 1990s dried up most of these lakes, restricting the redband trout to streams. Great Basin redband trout have a distinctive red stripe on both sides, and smaller individuals have parr marks (dark lateral marks typical of immature trout) (Hendricks 1995). These trout are adapted to the dry, hot summers of eastern Oregon and can withstand short periods of time at peak water temperatures of 24–27° C (75–80° F), which would be lethal to most other trout (Bowers *et al.* 1979).

Petitioners' Assertions

The petitioners asserted that non-anadromous redband trout populations in the Great Basin and Columbia Plateau are extinct in 72 percent of their historic range, and strong populations remain in only 10 percent of their historic habitat.

The petitioners indicated that habitat degradation from improper livestock grazing practices, irrigation, stream channel manipulation, and timber harvest impact redband trout by increasing erosion of stream banks, increasing sedimentation, reducing stream bottom complexity, widening and shallowing the stream cross-sections, increasing stream temperatures, reducing streamside vegetation, fragmenting populations, dewatering streams, reducing water tables, and reducing the amount of large, woody debris. The petitioners presented the effects of such degradation for each individual basin and as widespread occurrences in the Great Basin.

The petitioners provided evidence that introgression and competition by introduced fishes are threats to the continued existence of Great Basin redband trout. Introgression resulting from Great Basin redband trout interbreeding with stocked hatchery rainbow trout reduces the native redband offspring's ability to survive harsh Great Basin conditions; introduced nonnative fishes (both hatchery rainbow trout (*Oncorhynchus mykiss*) and species like brook trout (*Salvelinus fontinalis*), carp (*Cyprinus carpio*), bass (*Micropterus* spp.), catfish (*Ictalurus* spp.), and crappie (*Pomoxis* spp.) feed on or compete with native redband for resources and can degrade the habitat.

The petitioners asserted that threats to Great Basin redband trout remain because of the inadequacy of existing regulations. They also asserted that emergency fishing regulations, conservation/protective designations by government agencies and professional societies, water quality protection measures, and other current and planned conservation measures have failed to stop the decline of Great Basin redband trout.

Petition Finding

In response to our 90-day finding notice, we received information on Great Basin redband trout from State fish and wildlife departments, the U.S. Forest Service (USFS), the Bureau of Land Management (BLM), and private corporations, as well as private citizens, organizations, species experts, and other entities. We also reviewed information on Great Basin redband trout obtained from peer-reviewed journal articles, agency reports and file documents, and telephone interviews and written correspondence with natural resources managers familiar with Great Basin redband trout.

For the purposes of the status review, we assumed that trout classified by State fish and wildlife departments in the six basins as redband trout represent the Great Basin redband trout, even though the precise genetic characteristics of those stocks may not be known. In addition, we evaluated Great Basin redband trout status solely on the basis of Great Basin redband trout stocks that currently occur within the historic range of the subspecies.

Distinct Vertebrate Population Segment Analysis

Species is defined in the Act as “any subspecies of fish or wildlife or plants, and any distinct population segment (DPS) of any species of vertebrate fish or wildlife that interbreeds when mature.” Thus, DPSs are eligible for protection under the Act. One of the purposes of defining species to include subspecies and DPSs is to conserve genetic diversity that is found in a taxon smaller than a species.

On February 7, 1996, we published a joint policy with the National Marine Fisheries Service to clarify our interpretation of the phrase “distinct population segment” for the purposes of listing, delisting, and reclassifying species under the Act (61 FR 4721). This policy consists of three elements to be considered in a decision regarding the status of a possible DPS as endangered or threatened under the Act—(1) the discreteness of the population segment in relation to the remainder of the species or subspecies to which it belongs; (2) the significance of the population segment to the species or subspecies to which it belongs; and (3) the population segment’s conservation status in relation to the Act’s standards for listing.

The petitioners stated their belief that grouping the redband trout populations from the six basins qualified as a DPS. They also stated that they would not object to identifying as a DPS each of the populations in the six basins specified in the petition. To determine the most appropriate grouping, we analyzed existing scientific information for designation of the redband trout in the six basins as one DPS, as six individual DPSs, or as any number between one and six DPSs.

The first criterion to be fulfilled in designating a DPS is discreteness of the taxon in question. As defined in our policy (61 FR 4721), discreteness may include physical, physiological, ecological, or behavioral factors showing a marked separation from other populations. The information summarized in the status report (Service 2000) provides evidence of a mosaic of

mixing and isolation that has led to the redband trout that we see today in the Great Basin.

As a whole, the redband trout in the Great Basin show many similarities, which make them distinct from surrounding redband populations. Evident in all of the six basins are similar climatic conditions and fish species assemblages. The current fish assemblages in the Great Basin probably arose from other basins (Snake, Klamath, or Sacramento basins). Similarities in the fish assemblages of the six basins making up the Great Basin, combined with knowledge of past connections and mixing of fishes, make determination of which basin(s) transferred fish to which other basin(s) difficult. However, for approximately the past 10,000 years, the fishes in the Great Basin have largely been isolated from the Sacramento, Snake, and Klamath basins. Extremes in temperature and harsh climatic conditions have forced all redband trout in the Great Basin to adapt in similar ways, and all redband trout in the Great Basin have retained a high degree of flexibility in their life-history characteristics, to take best advantage of the habitats that occur in these six basins. Morphologically, all Great Basin redband trout share an increase in the number of gill rakers that is not as prevalent in redband from basins outside the Great Basin. Geologically, all six basins are closed basins, with the extremely rare exception of the Goose Lake basin, which can drain into the Pit River Basin. This is a one-way movement of fish out of Goose Lake since no fish can move from the Pit River into Goose Lake.

The naturally closed nature of these basins creates a unique ecological setting not found in other basins where redband exist. Behnke (1999) notes, “The significance aspect of the DPS [question] fittingly characterizes the Great Basin redband trout.” For these reasons, we recognize the redband trout in the six basins, Fort Rock, Chewaucan, Goose Lake, Warner, Catlow, and Harney, as a single DPS, which we will collectively refer to as Great Basin redband trout.

We, therefore, find that the most appropriate grouping of Great Basin redband from these six basins is as a single group encompassing all populations as was petitioned for listing. This finding recognizes that using only a limited set of information, such as only genetics, other groupings of the redband forms could be defined as discrete and thus possibly qualify as a DPS. However, as described above, a single group encompassing all six basins

has the most compelling support of all the available evidence.

Summary of the Species Status

In the context of the Act, the term “threatened species” means any species (or subspecies or DPS for vertebrate organisms) that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The term “endangered species” means any species that is in danger of extinction throughout all or a significant portion of its range. The Act does not indicate threshold levels of historic population size at which, as the population of a species declines, listing as either threatened or endangered becomes warranted. Instead, the principal considerations in the determination of whether a species warrants listing are the threats that currently confront the species and the likelihood that the species will persist in the foreseeable future. Thus, listing of a species may be warranted when the species still occupies much of its historic range but confronts significant, widespread threats. In contrast, if not confronted by significant threats, a species occupying only a small portion of its historic range may be considered to be neither threatened nor endangered. Similarly, a species that has experienced past reductions but has since increased in abundance may not warrant listing under the Act.

In the case of Great Basin redband trout, at least two major declines in population numbers and distribution apparently occurred in historic times. Undoubtedly a prehistoric major reduction occurred around 2,000 years ago when the pluvial lakes dried to current levels, but no available data to demonstrate this occurrence. Good anecdotal evidence suggests that during the latter part of the 19th century and into the first part of the 20th century, widespread habitat destruction occurred that undoubtedly correlated with reduced redband trout numbers and distribution. A good example is presented in the Upper Chewaucan Watershed Assessment (USFS 1999) that probably is representative of most of the other basins. In 1909, 110,000 sheep, and 26,000 cattle and horses were allowed to graze Fremont National Forest lands in the Chewaucan Basin. By 1929, these numbers dropped to 78,000 sheep and 10,996 cattle and horses but the habitat was reported to be in a deplorable state. For example, a tributary of Coffeepot Creek was described as having drastically reduced vegetation that resulted in severe bank erosion and downcutting. By 1959,

numbers had been reduced to 31,210 sheep and 12,392 cattle and horses. In the 1960s, sheep were removed; currently, there are about 12,500 cattle in the Upper Chewaucan watershed.

These degraded habitat conditions were exacerbated by droughts in 1926 and from 1929 to 1934 that dried up Goose Lake (dry in 1926 and virtually dry 1929–1934) and Malheur Lake (dry in 1926 and 1934 and virtually dry 1931–1933). Despite half a decade of drought conditions, the redband trout survived and have increased their numbers and distribution in all six basins.

More recently the Great Basin experienced a drought from 1987 to 1992, with 1994 also being a very dry year. The drought caused Goose Lake, Hart Lake (Warner basin), and Malheur Lakes to go dry in 1992. This second drought eliminated the lake habitat and, consequently the lacustrine redband trout that made spawning runs up connected creeks. This drought also undoubtedly reduced the available stream habitat. However, despite this recent drought, the numbers of redband trout in all basins appear to have rebounded. As an example, in 1995 no fish were found in Skull Creek (Catlow basin), whereas in 1997, 16 fish representing 3 different age classes were found after sampling 263 square meters.

An analysis of historic and current distributions based on area concluded that Great Basin redband trout currently occupy 59 percent of their historic distribution. Specific stream surveys in 1999 (Dambacher 1999) determined densities of Great Basin redband trout in each of the six basins. The densities were 0.423 fish per meter square in the Catlow basin, 0.372 fish per meter square in the Harney basin, 0.216 fish per meter square in the Warner basin, 0.171 fish per meter square in the Fort Rock basin, 0.143 fish per meter square in the Chewaucan basin, and 0.140 fish per meter square in the Goose Lake basin. These densities correspond with moderate and high categories according to Dambacher and Jones (in press). Dambacher and Jones (in press) analyzed 80 redband trout density estimates from the Great Basin between 1968 and 1995 and determined qualitative ranges for densities. They concluded that a low density was less than 0.059 fish per meter square, moderate density was between 0.06 and 0.19 fish per meter square, and high density was over 0.2 fish per meter square. Based on this analysis, Catlow, Harney, and Warner basins had high densities of redband trout, and Fort Rock, Goose Lake, and the Chewaucan Basins had moderate densities. Because

redband trout populations in all basins have rebounded, the effects of any potential threats to the Great Basin redband trout and the likelihood of extinction of the species is substantially reduced.

The petition identified general threats causing changes to ecological processes that result in habitat degradation. We agree that habitat degradation is present in all six basins. Historic overgrazing combined with water withdrawal, building of dams and roads, timber harvest, and draining of marshes and wetlands has reduced the habitat available for the Great Basin redband trout. However, the data on Great Basin redband trout abundance and distribution reflect an aquatic habitat that provides enough of the ecological parameters necessary for spawning, rearing, and survival to have supported an increasing population since the end of the drought. Therefore, the current level of threat from aquatic habitat destruction or modification or curtailment in range does not place the Great Basin redband trout in danger of extinction or make it likely to become so in the foreseeable future.

Furthermore, a Conservation Agreement (CA) in the Catlow Basin and a Conservation Strategy (CS) in the Goose Lake basin are improving habitat for redband trout. The goal of both the CA and CS is to identify the threats to the native fishes (including Great Basin redband trout) and implement projects to remove threats and enhance habitat. These cooperative efforts among private, State, and Federal entities are largely responsible for habitat or fish population improvements in the Catlow and Goose Lake basins.

Based on the Catlow CA 1999 Progress Report (Catlow Valley CA Signatories *in litt.* 1999), most of the originally identified actions, and numerous, additional “adaptive management” actions, have been initiated or completed. Of the 74 actions identified in the Catlow CA, 36 were completed, 33 other long-term projects were well under way and showing success, and only 5 were not initiated (often because they were to be initiated at a later date, after preliminary data were collected). In addition, 22 new conservation actions were identified by CA participants, and of these, only 1 was either not completed or initiated as of the summer of 1999.

Significant habitat restoration has occurred within the Catlow basin due to the Catlow CA. During 1998, vegetation objectives were reached on 95 percent of redband streams, and in 1999 alternate grazing sites were found so that almost all of the streams covered by the Catlow

CA were rested. These actions significantly increased riparian recovery. Threemile Reservoir had filled with sediment since Kunkel's (1976) report. The reservoir was dredged in 1998 and enlarged in 1999 to again provide a lacustrine habitat for redband trout and connection with Threemile Creek. Numerous fences and water enhancement projects were installed that benefitted cattle management and overall upland and riparian health. A road in Upper Skull Creek was closed and multiple fire rehabilitation and juniper encroachment projects were completed. The Oregon Department of Fish and Wildlife conducted fish surveys and habitat monitoring throughout the Catlow basin in 1997 through 1999 and found that redband trout densities had increased significantly from the surveys in 1995, when densities were depressed due to the drought. Based on the cooperation between private, State and Federal parties, most if not all of the current threats to redband trout in the Catlow Basin are being or will be addressed.

Due to a continuing drought (1987–1994) affecting the water level of Goose Lake and its tributaries, a group of concerned individuals from private, State, and Federal agencies formed the Goose Lake Fishes Working Group (GLFWG) in 1991. The GLFWG signed a Memorandum of Understanding in July 1994 to protect and reestablish native fishes in the Goose Lake basin in California and Oregon. On May 22, 1995, the GLFWG completed the Goose Lake Fishes Conservation Strategy (GLFCS 1996). The goal of this strategy was to conserve all native fishes in Goose Lake by reducing threats, stabilizing population numbers, and maintaining the ecosystem. The Conservation Strategy identified factors in each stream that were affecting fish and provided a list of actions since 1958 that were implemented to benefit potential problems.

Since publication of the GLFCS in 1996, a number of additional projects have been completed or long-term projects begun. These include 2 culvert improvements, 11 diversion or passage projects, 10 fencing projects, 16 habitat improvement projects, 11 fish surveys, and road improvement project to reduce sedimentation. Based on the conscientious efforts of the GLFWG, threats to redband in the Goose Lake basin are being addressed. The Goose Lake basin is a much larger system than the Catlow basin with many more interested parties and specific projects needed to benefit redband trout. Recent projects have substantially benefitted redband trout but more resources and

time will be needed to complete all of the projects identified in the GLFCS.

Existing CAs have had a large influence in protecting redband trout and the habitat they require for survival. These efforts continue to improve habitat, provide for passage over barriers, screen diversions, and survey for redband trout. Cooperative efforts involving all parties are excellent avenues for restoring habitat and species.

We have carefully assessed the best available scientific and commercial information available, and we find that listing the Great Basin redband trout as a threatened or endangered species is not warranted at this time because it is not in danger of extinction or likely to become so within the foreseeable future. This conclusion is based on information on Great Basin redband trout populations within the historic range of redband trout, as reported and summarized in the Great Basin redband trout status review (Service 2000). However, in the event that conditions change and the species becomes imperiled due to the factors discussed in this finding, or other unforeseen factors, we could propose to list the species under the Act or, if circumstances warranted, invoke the emergency listing provisions of the Act.

References Cited

- Behnke, R. J. 1992. Native trout of western North America. American Fisheries Society Monograph 6.
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- Dambacher, J., and K. Jones. (In press). Regional and Basin-Wide Patterns of Abundance of Redband Trout (*Oncorhynchus mykiss*) in Oregon Streams.
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- U.S. Forest Service. 1999. Upper Chewaucan Watershed Assessment. Prepared for the Upper Chewaucan Watershed Council, September 1999, Paisley, OR.
- U.S. Fish and Wildlife Service. 2000. Status Review for Great Basin Redband Trout. U.S. Department of the Interior, Fish and Wildlife Service, Region 1, Portland, Oregon. January 2000.

Author:

The primary author of this document is Antonio Bentivoglio, Oregon Fish and

Wildlife Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

AUTHORITY

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: March 13, 2000.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 00-6864 Filed 3-17-00; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AE30

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period on Proposed Endangered Status for the Southern California Distinct Population Segment of the Mountain Yellow-Legged Frog

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: We, the Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), reopen the comment period on the proposed rule to list the southern California distinct population segment (DPS) of the mountain yellow-legged frog (*Rana muscosa*) as an endangered species. The comment period is reopened in response to requests from the public for additional time to obtain biological information regarding the frog and formulate comments on the proposed rule. In addition, reopening of the comment period will allow further opportunity for all interested parties to submit comments on the proposal, which is available (see **ADDRESSES** section). We are seeking comments or suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the proposed rule. Comments already submitted on the proposed rule need not be resubmitted as they will be fully considered in the final determination.

DATES: The reopened comment period closes April 19, 2000.

ADDRESSES: Comments and materials concerning this proposal should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife 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: Glen Knowles at the above address, telephone 760-431-9440; facsimile 760-431-9618.

SUPPLEMENTARY INFORMATION:

Background

On December 22, 1999, the Service published a rule proposing endangered status for the southern California DPS of the mountain yellow-legged frog (*Rana muscosa*) in the **Federal Register** (64 FR 71714). The original comment period closed on February 22, 2000. The comment period now closes on April 19, 2000. Written comments should be submitted to the Service (see **ADDRESSES** section).

The mountain yellow-legged frog is a true frog in the family Ranidae. The southern California mountain yellow-legged frog can still be found in four small streams in the San Gabriel mountains, San Bernardino mountains, and the San Jacinto mountains. In addition to predation from trout and other widespread factors, the few remaining frogs are threatened by recreation (i.e. suction dredging, campgrounds, day use areas), the introduction of non-native competitors and predators, and demographics associated with small populations. Comments from the public regarding the accuracy of this proposed rule are sought, especially regarding:

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

(2) The location and status 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 mountain yellow-legged frog or its habitat.

Author:

The primary author of this notice is Glen Knowles (see **ADDRESSES** section).

Authority

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