

have additional background documents not available at the other locations.

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Environmental Protection Agency, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

South Carolina Department of Health and Environmental Control 2600 Bull Street, Columbia, South Carolina 29201-1708.

**FOR FURTHER INFORMATION CONTACT:** Randy B. Terry, Regulatory Planning Section, Air Planning Branch, Air, Pesticides & Toxics Management Division, Region 4 Environmental Protection Agency, 61 Forsyth Street SW., Atlanta, Georgia 30303. The telephone number is (404) 562-9032.

**SUPPLEMENTARY INFORMATION:** For additional information see the direct final rule which is published in the rules section of this **Federal Register**.

Dated: November 23, 1998.

**A. Stanley Meiburg,**

*Acting Regional Administrator, Region 4.*

[FR Doc. 98-32342 Filed 12-7-98; 8:45 am]

BILLING CODE 6560-50-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

#### Endangered and Threatened Wildlife and Plants: 90-Day Finding for a Petition to List the Bonneville Cutthroat Trout as Threatened

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

**ACTION:** Notice of 90-day petition finding and initiation of status review.

**SUMMARY:** The Fish and Wildlife Service announces a 90-day finding for a petition to list the Bonneville cutthroat trout (*Oncorhynchus clarki utah*) as a threatened species under the Endangered Species Act of 1973, as amended (Act). We find that the petition presented substantial information indicating that listing this species may be warranted, and we are initiating a status review of this species.

**DATES:** The finding announced in this document was made on November 25, 1998. To be considered in the 12-month finding for this petition, comments and materials should be submitted to the Service by January 7, 1999.

**ADDRESSES:** Information, data, or comments concerning this petition

should be submitted to the Field Supervisor, Ecological Services, Utah Field Office, U.S. Fish and Wildlife Service, 145 East 1300 South, Suite 404, Salt Lake City, Utah 84115. The petition, finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours, at the above address.

**FOR FURTHER INFORMATION CONTACT:** Janet A. Mizzi, Utah Field Office, at the above address, or telephone 801/524-5001.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service 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 may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the **Federal Register**. If the finding is positive, the Service also is required to promptly commence a review of the status of the species involved.

We have made a 90-day finding on a petition to list the Bonneville cutthroat trout (*Oncorhynchus clarki utah*) as threatened throughout its range. The petition, dated February 5, 1998, and received February 26, 1998, was submitted by the Biodiversity Legal Foundation, Boulder, Colorado. The petitioner requested that we list the Bonneville cutthroat trout as threatened in United States river and lake ecosystems where it presently continues to exist and to designate its occupied habitat as critical habitat within a reasonable period of time following the listing. The petitioner submitted information on the historical and current status, distribution, and threats to the species, as well as other information including scientific references in support of the petition.

The processing of this petition conforms with the Service's listing priority guidance published in the **Federal Register** on May 8, 1998 (63 FR 25502) for fiscal years 1998 and 1999, which supplements the 1983 listing priority guidance. Administrative findings for listing petitions that are not assigned to Tier 1, emergency listing actions, are processed as a Tier 2

priority. The processing of this petition falls under Tier 2.

Bonneville cutthroat trout are native to the Bonneville Basin in Utah, Idaho, Nevada, and Wyoming. Their habitat is widely distributed and variable and includes both river and lake ecosystems. The subspecies occurs in streams with coniferous and deciduous riparian trees at 3,500 meters (m) (11,483 feet (ft)) above mean sea level, to streams in sage-steppe grasslands with herbaceous riparian zones at 1,000 (m) (3281 ft) above mean sea level, to lake environments.

Based on 1996 data, the petitioner estimated the current status of the species as 81 populations occupying 234 stream miles (mi). Eighty-three (83) percent of the populations occur on Forest Service lands, with 14 percent occurring on Bureau of Land Management administered lands and the remaining one (1) percent on State or other lands. The petitioner estimated that 90 percent of streams within the Bonneville Basin had historic occurrences of Bonneville cutthroat trout, and that current occupancy was now restricted to 3.7 percent of the historic stream miles. More precisely, the petitioner estimated that the subspecies was now extirpated (extinct) in 76 percent of sub-basins on six National Forests in Utah, and in 43 percent of sub-basins on two National Forests in Idaho. Furthermore, the petitioner identified that 72 percent of current populations were secure or stable, while 25 percent were declining or at risk, with the status of the remaining three percent unknown. The petitioner asserted that habitat conditions for the Bonneville cutthroat trout on National Forests have been rated as 13 percent excellent, 49 percent good, 18 percent fair, 11 percent poor and 2 percent extremely degraded.

##### Threats to the Species

The following specific threats were identified by the petitioner as factors in the decline of the species or as current threats to the continued existence of Bonneville cutthroat trout: competition and predation from exotic species; habitat removal/damage; altered hydrologic regimes; overfishing; anthropogenic activities; loss of connectivity to sub-basins; nonnative fish introductions (largely rainbow (*Oncorhynchus mykiss*), brown (*Salmo trutta*), and brook trout (*Salvelinus fontinalis*)); habitat fragmentation; decreases in Bonneville cutthroat throughout the Basin; hybridization; channelization, dewatering, diversions and damming of streams; unscreened irrigation ditches; increased

sedimentation from livestock grazing, mining, logging and road building which has damaged spawning substrates and raised water temperatures; poorly designed road culverts which become migration barriers; damage to riparian zones; herbicide applications in riparian zones; oil spills; undesirable genetic mixing and fragmentation which has genetically isolated some populations; drought; disease; the lack of accountability of proactive programs among agencies; and the inadequacy of existing regulatory mechanisms.

The Service, other Federal management agencies, and affected State agencies, have previously recognized numerous threats affecting the continued existence of the Bonneville cutthroat trout. These threats have been identified in current management plans, Notices of Review, the Utah Conservation Agreement (Lentsch et al. 1997), and the Forest Service's Conservation Assessment for Inland Cutthroat Trout (USDA 1995), as well as other literature. Resource agencies have identified habitat degradation and the threats from nonnative species as the most important factors threatening the continued existence of Bonneville cutthroat trout. We believe other threats, such as those asserted by the petitioner, affect the species as well. The expansion of whirling disease, most recently to Utah waters, is an imminent threat. Fragmentation and the genetic isolation of many populations have also been identified.

#### Current Distribution

The majority of the current Bonneville cutthroat trout populations resides in Utah, with smaller populations present in Nevada, Idaho, and Wyoming. In Utah the species is located in five geographic management units within the State; the Bear Lake, Bear River, Northern Bonneville, West Desert, and Southern Bonneville Management Units. There are presently a total of 40 known Bonneville cutthroat trout populations occupying approximately 147.4 stream mi (235.8 kilometers (km)) and 35,108 surface acres (ac) (14,043 hectares (ha)) of lentic water (lakes or ponds) throughout the management units in Utah (Lentsch et al. 1997).

In Nevada, populations of Bonneville cutthroat trout were historically restricted to the extreme eastern border of the State, including the east slope of the Snake and Goshute ranges, the Pilot Peak Range, and the Thousand Springs Creek drainage. In 1987, the Nevada population was restricted to approximately 12.5 stream mi (20 km) in Goshute, Hendrys, Hampton, and

Pine-Ridge Creeks (Haskins 1987). Their current distribution within Nevada has recently expanded to include Deadman Creek.

Bonneville cutthroat trout populations in Idaho are restricted to the Bear River drainage. In the late 1970's, the species was documented in the Thomas Fork tributaries of Giraffe, Dry, and Preuss Creeks. In 1993 and 1994, four additional streams with pure Bonneville cutthroat trout and seven more with suspected Bonneville cutthroat trout were identified. These included both the upper and lower mainstem Thomas Fork of the Bear River, several reaches of the mainstem Bear River, and numerous tributaries of the Bear River. Bonneville cutthroat trout are also present in Bear Lake at the Idaho/Utah border.

In Wyoming, Bonneville cutthroat trout populations are restricted to 36 streams (about 280 stream mi or 448 km) in the Bear River system. Additionally, Lake Alice, a 230 ac (92 ha) lake, contains a naturally reproducing, native population of Bonneville cutthroat trout.

#### Current Management Status

Both the Bureau of Land Management and Forest Service classify the species as sensitive and afford it special management consideration. All four States implement special fishing regulations to protect sensitive populations of the species. States throughout the range of the species have developed conservation plans and have expressed interest in developing a larger multi-State, multi-agency conservation strategy for Bonneville cutthroat trout. The State of Utah has taken the lead on this effort and is currently preparing a preliminary draft document for review among the States and other management agencies.

In Utah, the Bonneville cutthroat trout is protected as a conservation species, identifying it as a species managed through implementation of a multi-agency Conservation Agreement. The Utah Division of Wildlife Resources developed this Agreement, which has been in place since early 1997, with the Service, Bureau of Land Management, Forest Service, Confederated Tribes of the Goshute Reservation, Bureau of Reclamation, and Utah Reclamation Mitigation and Conservation Commission. Conservation actions to protect and expand the species have been ongoing since the 1980's.

In 1987, the Nevada Division of Wildlife developed a Bonneville Cutthroat Trout Species Management Plan. Both the Bureau of Land Management and the Humboldt

National Forest concurred with this plan. The Plan identified schedules for: (1) Population protection measures for existing populations; (2) population habitat enhancement measures; (3) population expansion within historic range including eradication and reintroduction projects and; (4) population introductions outside historic range. Proposed work schedules of the Plan were updated once and many habitat improvement issues have been resolved through changes in Bureau of Land Management and Forest Service livestock grazing plans. Habitat conditions for existing and proposed populations are in good to excellent condition. The Hendries Creek population was expanded to include the lower 3.5 mi (5.6 km) of stream below a fish passage barrier. Nonnative fishes have been removed from the Smith, Deadman and Deep Creek systems and Bonneville cutthroat trout reintroductions were initiated in 1997 in Deadman Creek.

The State of Wyoming classifies the Bonneville cutthroat trout as a State sensitive (S2) species. A Bonneville Cutthroat Trout Inter-Agency Five Year Management Plan (1993-1997) has directed conservation activities within the State. Review of the Plan is underway and future management will be directed accordingly.

In 1994, the State of Idaho prepared a draft Habitat Conservation Assessment and Strategy for Bonneville cutthroat trout. The strategy has been implemented in 8-12 percent of the species' range in southeastern Idaho through a 1995 conservation agreement among the Service, Forest Service, Idaho Department of Fish and Game, Idaho Natural Resources Conservation Service, and the Caribou Cattleman's Association. Several on-the-ground actions have been implemented since inception of this agreement. These include fencing of riparian areas, modifying grazing practices, and working on restoration of connectivity. These activities have resulted in stabilization of riparian habitat and increases in the populations of Bonneville cutthroat trout in Pruess, Giraffe, and Dry Creeks.

Additional work is in progress to remove threats to the species on other streams in Idaho, specifically St. Charles Creek, Bailey Creek, Cub River, and the main stem Bear River. The draft conservation strategy for Idaho is being revised by Idaho Fish and Game to reflect goals and objectives similar to the multi-agency conservation agreement implemented for the species in Utah.

### Conclusion and Finding

We have reviewed the petition and the references cited in the petition, and we have discussed current status with experts in the appropriate State and Federal management agencies. On the basis of the best scientific and commercial information available, we find that the petition presents substantial information that listing this species may be warranted. The scientific and commercial information available to us is, for the most part, consistent with the information presented in the petition, although the petition lacked current information concerning recent conservation efforts on the species' behalf.

We concur that numerous factors may threaten the continued existence of the Bonneville cutthroat trout. These threats suggest that listing may be warranted. However, a thorough review of current management efforts is necessary to determine if the threats may have been alleviated through recent conservation efforts. Furthermore, we believe a more thorough review of the genetic characteristics of Bonneville cutthroat populations is necessary.

When we make a positive 90-day finding, we are required to promptly commence a review of the status of the

species concerned. We have been provided considerable additional information concerning recent and ongoing efforts to remove threats to the Bonneville cutthroat trout throughout its range. We have reviewed much of this information and will consider all the relevant information in conducting a full status review of the species to determine if listing is warranted. We are hereby requesting any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the Bonneville cutthroat trout throughout its range. We are soliciting information primarily on (1) genetic variability and purity of the various subpopulations, (2) population status and trends, (3) management policies and conservation plans affecting Bonneville cutthroat trout, and (4) threats to the species, including those identified in the petition. Based upon the available and any newly obtained information, we will conduct a full status review of Bonneville cutthroat trout and issue a 12-month finding as required by Section 4(b)(3)(B) of the Act. The petitioner also requested that critical habitat be designated for this species. If we determine in the 12-month finding that listing of the

Bonneville cutthroat trout is warranted, the designation of critical habitat would be addressed in the subsequent proposed rule.

### References Cited

- Haskins*, Richard L., II. 1987. Bonneville cutthroat trout species management plan. Nevada Department of Wildlife, Fisheries Management Plan. Federal Aid Project No. F-20-23, Job No. 207.2. 17 pp. + Appendices.
- Lentsch*, L., Y. Converse and J. Perkins. 1997. Conservation agreement and strategy for Bonneville cutthroat trout in the State of Utah. Publication Number 97-19. 73 pp.
- United States Department of Agriculture (USDA)*, Forest Service. 1995. Conservation assessment for inland cutthroat trout. Rocky Mountain Range and Experiment Station. General Technical Report RM-GTR-256. 61 pp.

### Author

The Primary author of this document is Janet A. Mizzi, Utah Field Office (see ADDRESSES section above).

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

Dated: November 25, 1998.

**Jamie Rappaport Clark,**

*Director, Fish and Wildlife Service.*

[FR Doc. 98-32469 Filed 12-7-98; 8:45 am]

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