

with the Commission's minimum distance separation requirements at city reference coordinates. The coordinates for Channel 234C3 at Manson are North Latitude 47-53-18 and West Longitude 120-09-18. Since Manson is located within 320 kilometers (200 miles) the U.S.-Canadian border, concurrence of the Canadian government has been requested.

**DATES:** Comments must be filed on or before March 16, 1998, and reply comments on or before March 31, 1998.

**ADDRESSES:** Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Duane J. Polich, Manson Broadcasting, P.O. Box 70, Oak Harbor, Washington 98277 (Petitioner).

**FOR FURTHER INFORMATION CONTACT:** Sharon P. McDonald, Mass Media Bureau, (202) 418-2180.

**SUPPLEMENTARY INFORMATION:** This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 98-3, adopted January 14, 1998, and released January 23, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857-3800, 1231 20th Street, NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

#### List of Subjects in 47 CFR Part 73

Radio broadcasting.  
Federal Communications Commission.

**John A. Karousos,**  
Chief, Allocations Branch, Policy and Rules  
Division, Mass Media Bureau.

[FR Doc. 98-2032 Filed 1-27-98; 8:45 am]

BILLING CODE 6712-01-P

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AE57

#### Endangered and Threatened Wildlife and Plants; Proposed Threatened Status for the Plant *Astragalus Desereticus* (Deseret milk-vetch)

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

**ACTION:** Proposed rule.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) proposes to determine a Utah plant species, *Astragalus desereticus* (Deseret milk-vetch), to be a threatened species under the authority of the Endangered Species Act of 1973, as amended (Act). *Astragalus desereticus*, considered extinct for 72 years prior to 1981, exists as one small population in Utah County, Utah. Threats to the plant include residential development, livestock grazing, livestock and wildlife trampling, and threats associated with small population size. This proposal, if made final, would implement Federal protection provided by the Act. The Service seeks data and comments from the public on this proposal.

**DATES:** Comments from all interested parties must be received by March 30, 1998. Public hearing requests must be received by March 16, 1998.

**ADDRESSES:** Comments and materials concerning this proposal should be sent to the Field Supervisor, Utah Ecological Services Field Office, U.S. Fish and Wildlife Service, Lincoln Plaza Suite 404, 145 East 1300 South, Salt Lake City, Utah 84115. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** John L. England at the above address (telephone: 801/524-5001, ext. 138).

#### SUPPLEMENTARY INFORMATION:

##### Background

Marcus E. Jones collected a distinctive *Astragalus* from "below Indianola," a town in Sanpete County, Utah, on June 2, 1893. The same species was again collected by Ivar Tidestrom from "near Indianola" on June 17, 1909. Specimens from these two collections lay in obscurity in various herbaria until Rupert Barneby recognized their uniqueness and described them as *Astragalus desereticus* (Barneby 1964). Efforts to relocate the species were

initially fruitless (Barneby 1964; Welsh 1978a, 1978c), leading to a presumption of extinction (Ripley 1975; Welsh 1975, 1978b). However, a population of *A. desereticus* was discovered by Elizabeth Neese on May 27, 1981, on a sandstone outcrop above the town of Birdseye, Utah County, Utah, less than 16 kilometers (km) (10 miles (mi)) from Indianola (Welsh and Chatterley 1985). This population remains the only known occurrence of this species (Franklin 1990, 1991; U.S. Fish and Wildlife Service (USFWS) 1991). It is possible that this population is the one from which Jones and/or Tidestrom made their collections more than 70 years earlier (Franklin 1990, 1991; Welsh and Chatterley 1985).

*Astragalus desereticus* is a perennial, herbaceous plant in the bean family (Fabaceae). Individual plants are approximately 4 to 15 centimeters (cm) (2 to 6 inches (in)) in height, with stems about 6 cm (2 in) tall. The pinnately compound leaves are 4 to 11 cm (2 to 4 in) long with 11 to 17 leaflets. The leaflets are elliptic to ovate in shape, with dense silvery gray hairs on both sides. The flowers are 1.8 to 2.2 cm (0.7 to 0.9 in) long, white in color with a purple tip on the keel, and borne on a stalk of 5 to 10 flowers. The seed pods are 1 to 2 cm (0.4 to 0.8 in) long, covered with lustrous hairs, and bear 14 to 16 ovules (Barneby 1964; Barneby in Cronquist *et al.* 1989; Welsh 1978c; Welsh *et al.* 1987).

*Astragalus desereticus* occurs primarily on steep south- and west-facing slopes. The plant grows on soils derived from a specific and unusual portion of the geologic Moroni Formation. This geologic feature is characterized by coarse, crudely bedded conglomerate (Franklin 1990). The plant community in which *A. desereticus* occurs is dominated by pinon pine (*Pinus edulis*) and Utah juniper (*Juniperus osteosperma*). Other associated plant species include: sagebrush (*Artemisia tridentata*), scrub oak (*Quercus gambelii*), and wild buckwheat (*Eriogonum brevicaulis*) (Franklin 1990).

The only known population of *Astragalus desereticus* consists of between 5,000 and 10,000 individuals growing in an area of less than 120 hectares (ha) (300 acres (ac)) (Franklin 1990, Stone 1992). The species' total range is approximately 2.6 km (1.6 mi) long and 0.5 km (0.3 mi) across. Extensive searches of similar habitat in other parts of Utah have not revealed any other populations (Franklin 1991; Larry England, USFWS, pers. comm., 1997). The land upon which *A. desereticus* grows is owned by the State

of Utah and three private landowners (Franklin 1990, 1991; Chris Montague, The Nature Conservancy, pers. comms., 1992, 1997). This plant species is threatened by grazing and trampling by ungulates, alteration of its habitat due to residential development and road widening, and naturally occurring events such as fire, due to its limited distribution.

#### Previous Federal Action

Section 12 of the Act directed the Secretary of the Smithsonian Institution to prepare a report on those plants considered to be endangered, threatened, or extinct. This report, designated as House Document No. 94-51, was presented to Congress on January 9, 1975. On July 1, 1975, the Service published a notice in the **Federal Register** (40 FR 27823) accepting the report as a petition to list those taxa named therein under section 4(c)(2) (now 4(b)(3)) of the Act, and its intention to review the status of those plants. *Astragalus desereticus* was included in the July 1, 1975, notice on list "C," indicating that the species was probably extinct.

On June 16, 1976, the Service published a proposed rule in the **Federal Register** (41 FR 24523) to designate approximately 1,700 vascular plant species, including *Astragalus desereticus*, as endangered pursuant to section 4 of the Act. The list of those 1,700 plant species was assembled on the basis of comments and data received by the Smithsonian Institution and the Service in response to House Document No. 94-51 and the July 1, 1975, **Federal Register** publication. In the proposed rule, the Service also designated *A. desereticus* as a species about which the Service was particularly interested in obtaining any new information on living specimens and extant populations. General comments received in relation to the 1976 proposal are summarized in an April 26, 1978, **Federal Register** publication (43 FR 17909). The 1978 amendments to the Act required that all proposals over 2 years old be withdrawn, although proposals published before the 1978 amendments' enactment could not be withdrawn before the end of a 1-year grace period beginning on the enactment date. On December 10, 1979, the Service published a notice of withdrawal (44 FR 70796) of that portion of the June 16, 1976, proposal that had not been made final, which included *A. desereticus*.

On December 15, 1980, the Service published a revised notice of review for native plants in the **Federal Register** (45 FR 82480) designating *Astragalus desereticus* a category 1 candidate

species. Category 1 candidates were defined as those taxa for which the Service had on file information on biological vulnerability and threats to support the preparation of listing proposals. In addition, *A. desereticus* was identified as a species that may have recently become extinct. In 1981, a population of *A. desereticus* was discovered. On November 28, 1983, the Service published a revised notice of review in the **Federal Register** (48 FR 53640) in which *A. desereticus* was included as a category 2 candidate species. Category 2 candidates were formerly defined as taxa for which data on biological vulnerability and threats indicated that listing was possibly appropriate, but for which data were not sufficient to support issuance of listing proposals. In preparing the 1983 notice, the Service deemed it appropriate to acquire additional information on the distribution and abundance of *A. desereticus* before proposing the species for listing. The Service maintained *A. desereticus* as a category 2 species in updated notices of review published on September 27, 1985 (50 FR 39526), and February 21, 1990 (55 FR 6184). As a result of additional information obtained in 1990 and 1991 status surveys (Franklin 1990, USFWS 1991), the Service reclassified *A. desereticus* as a category 1 candidate in the September 30, 1993, notice of review (58 FR 51144). In the February 28, 1996, notice of review (61 FR 7596), the Service discontinued the designation of category 2 candidates. *Astragalus desereticus* was included as a candidate in the February 28, 1996 (61 FR 7596), and September 19, 1997, notices of review (62 FR 49398).

The processing of this proposed rule conforms with the Service's final listing priority guidance for fiscal year 1997, published in the **Federal Register** on December 5, 1996 (61 FR 64475). In a **Federal Register** notice published on October 23, 1997 (62 FR 55628), the guidance was extended beyond fiscal year 1997 until new guidance is published following passage of the fiscal year 1998 appropriations bill for the Department of the Interior. The fiscal year 1997 guidance clarifies the order in which the Service will process rulemakings following two related events: (1) The lifting on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104-6), and (2) the restoration of significant funding for listing through passage of the Omnibus Budget Reconciliation Act on April 26, 1996, following severe funding constraints imposed by a number of continuing

resolutions between November 1995 and April 1996. Based on biological considerations, this guidance establishes a "multi-tiered approach that assigns relative priorities, on a descending basis, to actions to be carried out under section 4 of the Act" (61 FR 64479). The guidance calls for giving highest priority to handling emergency situations (Tier 1) and second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings. Tier 3 includes the processing of new proposed listings for species facing high magnitude threats. This proposed rule for *Astragalus desereticus* falls under Tier 3. The guidance states that "effective April 1, 1997, the Service will concurrently undertake all of the activities presently included in Tiers 1, 2, and 3" (61 FR 64480). The Service has thus begun implementing a more balanced listing program, including processing more Tier 3 activities. The completion of this Tier 3 activity (a proposal for a species with high-magnitude, imminent threats) follows those guidelines.

#### 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 endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to *Astragalus desereticus* Barneby (Deseret milk-vetch) are as follows:

##### A. The Present or Threatened Destruction, Modification, or Curtailement of Its Habitat or Range

*Astragalus desereticus* is located on highly accessible public and private land that is used for cattle grazing and wildlife management (Franklin 1991, Stone 1992). The land managed by the State of Utah Division of Wildlife Resources (DWR) is a wildlife management area that is also used for cattle grazing (Franklin 1991). Cattle are used by DWR in the spring to encourage plant growth for big game forage in the winter. This grazing occurs within the habitat of *A. desereticus* (Stone 1992). The cattle tend to concentrate primarily on the upslope areas where forage production is greater (Stone 1992). Erosion in these areas is exacerbated by cattle grazing and game trails. In addition to the effects of erosion, trampling threatens *A. desereticus*, particularly at the southern end of the range (Franklin 1991). As cattle and

wildlife graze the habitat of *A. desereticus*, the animals are likely to trample plants as they forage. Whereas mule deer (*Odocoileus hemionus*) have maintained stable numbers recently, Rocky Mountain elk (*Cervus elephas*) populations are increasing. Erosion and trampling by cattle and wildlife constitute threats to *A. desereticus*.

Development in the Wasatch Front metropolitan area is spreading into the surrounding agricultural lands, especially small communities in the drainages of the Provo, Spanish Fork, and Weber rivers (Utah Governor's Office of Planning and Budget (UGOPB) 1997). Areas such as Birdseye are predicted to be rezoned residential within a short time. The population growth of the metropolitan area is expected to nearly double by the year 2020. In addition, conversion of agricultural land to urban use is also expected to nearly double in the same time period (UGOPB 1997). The entire *Astragalus desereticus* population is within 300 meters (1,000 feet) of U.S. Highway 89 and is within the area proposed for future development (UGOPB 1997). Transportation needs of the expanding population will also require roads to be widened or improved. U.S. Highway 89 is currently a two-lane rural highway that will likely be expanded when residential development expands into southern Utah County and northern Sanpete County. Such highway widening and the concomitant residential development could destroy a significant portion of the remaining habitat of *A. desereticus*.

A potential threat to *Astragalus desereticus* is related to the populations of ungulates in the area and their effect on pollinators. Other species in the genus *Astragalus* have suffered from low numbers of pollinators due to the indirect effects ungulates may have on the pollinators' nest sites (Stone 1992). Bumblebees (*Bombus* sp.), which nest in abandoned rodent burrows, are likely the primary pollinators of *A. desereticus*. Land use practices which increase grazing pressure may cause burrows to collapse, destroying bumblebee nests (Stone 1992). Since bees have low fecundity, their populations may not recover for many years, particularly if grazing by large numbers of ungulates is maintained.

#### **B. Overutilization for Commercial, Recreational, Scientific, or Educational Purposes**

Overutilization is not known to be a threat to *Astragalus desereticus*.

#### **C. Disease or Predation**

In contrast to many species of *Astragalus*, *A. desereticus* appears to be palatable to cattle. Many *Astragalus* species concentrate the toxic element selenium in their tissues; these species, called selenophytes, poison grazing cattle (Stone 1992). The fact that *A. desereticus* does not produce a "snakelike" odor typical of other "snakeweeds," as selenophytes are sometimes called, and the fact that no other selenophytes occur in the area, indicate that *A. desereticus* is not a selenophyte (Stone 1992). While *A. desereticus* may not be preferred forage for cattle or native ungulates, it is palatable and may be inadvertently taken along with preferred forage in the area.

In habitat similar to that occupied by *Astragalus desereticus* in Utah County that has been surveyed by Service personnel, overgrazing by domestic ungulates has almost completely denuded the landscape (USFWS 1991). Similar grazing pressure has been known from the current habitat of *A. desereticus*; therefore, the effects of grazing, particularly overgrazing, constitute a likely threat. This species is much less abundant in the more heavily grazed southern portion of its habitat (Franklin 1990, 1991), indicating that grazing may be a significant threat. Cattle grazing may be particularly harmful because it occurs during a critical period for *A. desereticus* reproduction (i.e., flowering) (Stone 1992).

There are no known insect parasites or disease organisms that significantly affect this species.

#### **D. The Inadequacy of Existing Regulatory Mechanisms**

*Astragalus desereticus* presently receives no protection or consideration under any Federal, State or local law or regulation.

#### **E. Other Natural or Manmade Factors Affecting Its Continued Existence**

By virtue of the limited number of individuals and range of the single remaining population of *Astragalus desereticus*, this species may be threatened with extinction from naturally occurring events. The probability that a natural event such as a fire, drought, or disease will cause extinction is greater for species having a small population size and highly restricted range (Stone 1992). Rare species in the genus *Astragalus* have exhibited low levels of genetic diversity when compared to other more widespread, closely related species

(Stone 1992). Low genetic variability may make it difficult for a species to respond to changes in the environment and thus places it at greater risk to extinction or additional range reduction.

The Service has carefully assessed the best scientific and commercial information available regarding the past, present, and future threats faced by *Astragalus desereticus* in determining to propose this rule. Grazing and trampling by ungulates, residential development, road widening, and naturally occurring events such as fire variously threaten this species. Based on this evaluation, the preferred action is to list *A. desereticus* as threatened. Threatened status reflects the vulnerability of this species to factors that may negatively affect the species and its limited habitat. While not in immediate danger of extinction, *A. desereticus* is likely to become an endangered species in the foreseeable future if present threats continue or increase. Critical habitat is not being proposed for this species for reasons discussed in the "Critical Habitat" section of this proposal.

#### **Critical Habitat**

Critical habitat is defined in section 3 of the Act as: (i) The specific areas within the geographical 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 the species at the time it is listed, upon 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 and implementing regulations (50 CFR 424.12) require that, to the maximum extent prudent and determinable, the Secretary designate critical habitat at the time a species is determined to be endangered or threatened. Service regulations (50 CFR 424.12(a)(1)) state that designation of critical habitat is not prudent when one or both of the following situations exist: (1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species. The Service determines that designation of critical habitat for

*Astragalus desereticus* is not prudent due to lack of benefit to the species.

Critical habitat receives consideration under section 7 of the Act with regard to actions carried out, authorized, or funded by a Federal agency (see Available Conservation Measures section). As such, designation of critical habitat may affect activities on Federal lands and may affect activities on non-Federal lands where such a Federal nexus exists. Under section 7 of the Act, Federal agencies are required to ensure that their actions do not jeopardize the continued existence of a species or result in destruction or adverse modification of critical habitat. However, both jeopardizing the continued existence of a species and adverse modification of critical habitat have similar standards and thus similar thresholds for violation of section 7 of the Act. In fact, biological opinions that conclude that a Federal agency action is likely to adversely modify critical habitat but not jeopardize the species for which the critical habitat has been designated are extremely rare. Also, the designation of critical habitat for the purpose of informing Federal agencies of the locations of *Astragalus desereticus* habitat is not necessary because the Service can inform Federal agencies through other means. For these reasons, the designation of critical habitat for *A. desereticus* would provide no additional benefit to the species beyond that conferred by listing, and therefore, such designation is not prudent.

*Astragalus desereticus* has an extremely narrow distribution in a sandstone outcrop, totaling about 120 ha (300 ac) in one population. At the present time, no other site is known to be occupied by or suitable for this plant. The private landowners at Birdseye are aware of the plant's presence and extremely limited habitat, as are the DWR managers and others involved in management of the area. Therefore, designation of critical habitat would provide no benefit with respect to notification. In addition, given the species' narrow distribution and precarious status, virtually any conceivable adverse effect to the species' habitat would very likely jeopardize its continued existence. Designation of critical habitat for *A. desereticus* would, therefore, provide no benefit to the species apart from the protection afforded by listing the plant as threatened.

Protection of the habitat of *Astragalus desereticus* will be addressed through the section 4 recovery process and the section 7 consultation process. Although this plant occurs only on

private and State land, it may be affected by projects with Federal connections, including potential Federal Highway Administration funding of road widening. The Service believes that activities involving a Federal action which may affect *A. desereticus* can be identified without designating critical habitat, by providing Federal agencies with information on the location of occupied habitat and information on the kinds of activities which could affect the species. For the reasons discussed above, the Service finds that the designation of critical habitat for *A. desereticus* is not prudent.

#### 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 results in public awareness and conservation actions by Federal, State and local agencies, private organizations, and individuals. The Act provides for possible land acquisition and cooperation with the States and requires that recovery actions be carried out for all listed species. The protection required of Federal agencies and the prohibitions against certain activities involving listed plants are discussed, in part, below.

Section 7(a) of the Act 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 designated. Regulations implementing this interagency cooperation provision of the Act are codified at 50 CFR part 402. Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is listed subsequently, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of such a species or to destroy or adversely modify its critical habitat. If a Federal action may affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Service. The single known population of *Astragalus desereticus* is on State and privately owned land. However, highway widening, which could adversely affect *A. desereticus* due to the proximity of the plants to the

highway, could be partially funded by the Federal Highway Administration, thereby providing an avenue for section 7 consultation.

The Act and its implementing regulations set forth a series of general prohibitions and exceptions that apply to all threatened plants. All prohibitions of section 9(a)(2) of the Act, implemented by 50 CFR 17.71 for threatened plants, apply. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to import or export, transport in interstate or foreign commerce in the course of a commercial activity, sell or offer for sale in interstate or foreign commerce, or remove and reduce the species to possession from areas under Federal jurisdiction. In addition, for plants listed as endangered, the Act prohibits malicious damage or destruction on areas under Federal jurisdiction, and the removal, cutting, digging up, or damaging or destroying of such plants in knowing violation of any State law or regulation, including State criminal trespass law. Section 4(d) of the Act allows for the provision of such protection to threatened species through regulation. This protection may apply to this species in the future if such regulations are promulgated. Seeds from cultivated specimens of threatened plants are exempt from these prohibitions provided that their containers are marked "Of Cultivated Origin." Certain exceptions to the prohibitions apply to agents of the Service and State conservation agencies.

The Act and 50 CFR 17.72 also provide for the issuance of permits to carry out otherwise prohibited activities involving threatened species under certain circumstances. Such permits are available for scientific purposes and to enhance the propagation or survival of the species. For threatened plants, permits are also available for botanical and horticultural exhibition, educational purposes, or special reasons consistent with the Act's purposes. With respect to *Astragalus desereticus*, it is anticipated that few, if any, trade permits would be sought or issued, since the species is not common in the wild and is unknown in cultivation. Requests for copies of the regulations regarding listed species and inquiries about prohibitions and permits may be addressed to: Regional Director, U.S. Fish and Wildlife Service, P.O. Box 25486, Denver Federal Center, Denver, Colorado 80225.

It is the policy of the Service, published in the **Federal Register** on July 1, 1994 (59 FR 34272), to identify to the maximum extent practicable



Dated: December 30, 1997.

**Jamie Rappaport Clark,**

*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 98-2012 Filed 1-27-98; 8:45 am]

BILLING CODE 4310-55-P

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 226**

[I.D. No. 101097A]

**Designated Critical Habitat; Central California Coast and Southern Oregon/Northern California Coast Coho Salmon**

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

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

**SUMMARY:** NMFS is reopening the public comment period on proposed regulations to designate critical habitat for Central California Coast and Southern Oregon/Northern California Coast coho salmon (*Oncorhynchus kisutch*). These proposals were made on November 25, 1997, under provisions of the Endangered Species Act of 1973 (ESA). NMFS has received several requests for additional time to complete the review and compilation of information. NMFS finds the requests to be reasonable and hereby reopens the comment period until April 26, 1998.

**DATES:** Comments on the proposed rule must be received on or before April 26, 1998.

**ADDRESSES:** Comments should be sent to: Garth Griffin, NMFS, Protected Resources Division, 525 NE Oregon St. - Suite 500, Portland, OR 97232-2737; or Craig Wingert, NMFS, Southwest Region, Protected Species Management Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

**FOR FURTHER INFORMATION CONTACT:** Garth Griffin at (503) 231-2005, Craig Wingert at (562) 980-4021, or Joe Blum at (301) 713-1401.

**SUPPLEMENTARY INFORMATION:**

**Background**

On October 31, 1996, NMFS published its determination to list the Central California Coast Evolutionarily Significant Unit (ESU) of coho salmon as threatened under the ESA (61 FR 41514). Subsequently, on May 6, 1997, NMFS published its determination to list the Southern Oregon/Northern California Coast coho salmon ESU as threatened under the ESA (62 FR 24588). On November 25, 1997 (62 FR 62741), NMFS published a proposed rule identifying critical habitat for each ESU and identified a 90-day comment period (which ends January 26, 1998) to solicit information relevant to the proposal. During the comment period, three public hearings were held between December 8-11, 1997 in Gold Beach, Oregon; Eureka, California; and Santa Rosa, California.

Requests for an extension of the public comment period have been received from a California Congressional representative, as well as several county and private organizations and private citizens in northern California and southern Oregon. Reasons given for these requests included additional time required under state law to assemble county governments for a review of the proposal, and time needed to assess the scope and impact of the proposed rule. NMFS finds the requests to be reasonable and hereby reopens the comment period.

Critical habitat is defined as the specific areas within the geographical area occupied by the species, on which are found those physical and biological features essential to the conservation of the species and which may require special management considerations or protections (ESA section 3(5)(A)(I)). Critical habitat shall not include the entire geographical area occupied by the species unless failure to designate such areas would result in the extinction of the species.

Proposed critical habitat for the Central California Coast ESU encompasses accessible reaches of all rivers (including estuarine areas and tributaries) between Punta Gorda and the San Lorenzo River (inclusive) in California. Also included are two rivers entering San Francisco Bay: Mill Valley

Creek and Corte Madera Creek. Proposed critical habitat for the Southern Oregon/Northern California Coast ESU encompasses accessible reaches of all rivers (including estuarine areas and tributaries) between the Mattole River in California and the Elk River in Oregon, inclusive.

The areas described in the proposed rule represent the current freshwater and estuarine range of the listed species. Marine habitats are also vital to the species and ocean conditions are believed to have a major influence on coho salmon survival. However, there does not appear to be a need for special management consideration or protection of this habitat. Therefore, NMFS is not proposing to designate critical habitat in marine areas at this time. For both ESUs, critical habitat includes all waterways, substrate, and adjacent riparian zones below longstanding, naturally impassable barriers (i.e., natural waterfalls in existence for at least several hundred years). NMFS has identified twelve dams in the range of these ESUs (see proposed rule) that currently block access to habitats historically occupied by coho salmon. However, NMFS has not designated these inaccessible areas as critical habitat because areas downstream are believed to be sufficient for the conservation of the ESUs. The economic and other impacts resulting from this critical habitat designation are expected to be minimal.

NMFS is soliciting information, comments and/or recommendations on any aspect of this proposal from all concerned parties (see **ADDRESSES**); comments must be received by April 26, 1998. In particular, NMFS is requesting any data, maps, or reports describing areas that currently or historically supported coho salmon populations and that may require special management considerations. NMFS will consider all information received before reaching a final decision.

Date: January 22, 1998.

**Patricia A. Montanio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 98-2074 Filed 1-27-98; 8:45 am]

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