DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding and Commencement of Status Review for a Petition To List the Westslope Cutthroat Trout as Threatened

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition findings and initiation of status review.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding for an amended petition to list the westslope cutthroat trout (*Oncorhynchus clarki lewisi*) as threatened throughout its range and designate critical habitat for this subspecies pursuant to the Endangered Species Act of 1973, as amended. The Service finds that the amended petition provides substantial scientific and commercial information to indicate that listing of this subspecies of cutthroat trout as threatened, throughout all or parts of its range, may be warranted.

DATES: The finding announced in this document was made on June 1, 1998. Comments and materials need to be submitted by August 10, 1998 to be considered in the 12-month finding.

ADDRESSES: Data, information, technical critiques, comments, or questions relevant to this amended petition should be sent to the Chief, Branch of Native Fishes Management, Montana Fish and Wildlife Management Assistance Office, 4052 Bridger Canyon Road, Bozeman, Montana 59715. The amended petition, its appendices, and bibliography are available for public inspection, by appointment, at the above address. Electronic copies of the amended petition and bibliography may be requested and received via e-mail from lynn__kaeding@fws.gov.

FOR FURTHER INFORMATION CONTACT: Lynn Kaeding, at the above address, or telephone (406) 582–0717.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the U.S. Fish and Wildlife Service (Service) make a finding on whether a petition to list, delist, or reclassify a species, or to revise a critical habitat designation presents substantial scientific and commercial information to indicate that the petitioned action may be warranted. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be promptly published in the **Federal Register**. If the finding is positive, the Service also is required to commence a review of the status of the petitioned species.

On June 6, 1997, the Service received a formal petition to list the westslope cutthroat trout as threatened throughout its range and designate critical habitat for this subspecies pursuant to the Endangered Species Act of 1973, as amended. Copetitioners were American Wildlands, Clearwater Biodiversity Project, Idaho Watersheds Project, Inc., Montana Environmental Information Center, the Pacific Rivers Council, Trout Unlimited's Madison-Gallatin Chapter, and Mr. Bud Lilly.

On July 2, 1997, the Service notified the copetitioners that the Service's Final Endangered Species Act Listing Priority Guidance, published in the December 5, 1996, **Federal Register** (61 FR 64425), designated the processing of new listing petitions as a Tier 3 activity, i.e., of lower priority than completion of emergency listings (Tier 1) and processing of pending proposed listings (Tier 2). The Service further indicated that personnel and budget in the Service's Mountain-Prairie Region, which had been assigned responsibility for Service activities pertaining to the petition, would continue to be directed toward accomplishment of ongoing Tier 2 activities and Tier 3 activities for species judged to be in greater need of the Act's protection than westslope cutthroat trout. As these higher-priority activities were accomplished and personnel and funds became available, however, the Service would proceed with its 90-day finding on the westslope cutthroat trout listing petition.

On January 25, 1998, the Service received from the copetitioners an amended petition to list the westslope cutthroat trout as threatened throughout its range and designate critical habitat for this subspecies. The amended petition contained a substantial amount of new information in support of the requested action. In the amended petition, the copetitioners assert that the westslope cutthroat trout should be listed as threatened because the subspecies' present distribution and abundance are substantially reduced from historical conditions; remaining populations are small, widely separated, and continue to decline in abundance; and the threats to the survival of westslope cutthroat trout are pervasive and ongoing. The copetitioners indicate that threats to westslope cutthroat trout include habitat destruction from logging and associated road building; adverse effects on habitat resulting from livestock grazing, mining, urban development, agricultural practices, and the operation of dams; historic and ongoing stocking of nonnative fish species that compete with or prey upon westslope cutthroat trout or jeopardize the genetic integrity of the subspecies through hybridization; and excessive harvest by anglers. The copetitioners further assert that programs to protect and restore westslope cutthroat trout are inadequate or nonexistent, and populations of this fish continue to be threatened by a wide variety of ongoing and proposed activities.

The historic distribution of westslope cutthroat trout (Behnke 1992) in streams and lakes is not known precisely but can be summarized as follows: West of the Continental Divide, the subspecies is native to several major drainages of the Columbia River basin, including the upper Kootenai River drainage from its headwaters in British Columbia, through northwest Montana, and into northern Idaho; the entire Clark Fork River drainage of Montana and Idaho downstream to the falls on the Pend Oreille River near the Idaho-Washington border; the Spokane River above Spokane Falls and into Idaho's Coeur d'Alene and St. Joe River drainages; and the Salmon and Clearwater River drainages of Idaho's Snake River basin. The historic distribution of westslope cutthroat trout also includes disjunct areas in Washington (e.g., Methow, Entiat, and Wenatchee River drainages), in the John Day River drainage in Oregon, and in British Columbia. East of the Continental Divide, the historic distribution of westslope cutthroat trout includes the headwaters of the South Saskatchewan River drainage (United States and Canada); the entire Missouri River drainage upstream from Fort Benton, Montana, and extending into northwest Wyoming; and the headwaters of the Judith, Milk, and Marias Rivers, which join the Missouri River downstream from Fort Benton.

In the amended petition, the copetitioners assert that remaining, genetically pure populations of westslope cutthroat trout occur almost exclusively in small, isolated streams in mountainous areas, where the adverse effects of human activities on this subspecies and its habitat are negligible. In Montana, the region for which most data are provided, the copetitioners indicate that populations of genetically pure westslope cutthroat trout occur in about 3.5 percent and 1.5 percent of their historic stream habitat in the Kootenai River and upper Missouri River drainages, respectively. Similar percentages are reported for genetically

pure populations of the fish in other drainages in Montana. Additionally, only 8.3 percent of the 265 lakes believed to be historic habitat for westslope cutthroat trout in Montana are said to now have genetically pure populations. More common today are westslope cutthroat trout populations that have some degree of hybridization with introduced, nonnative trout. Recent investigations (Shepard et al. 1997) suggest that 90 percent of the remaining westslope cutthroat trout populations in Montana's upper Missouri River drainage have a high probability of becoming extinct within 100 years.

The copetitioners further assert that populations of westslope cutthroat trout now occur in 11 percent of historic habitat in Idaho and 41 percent in Oregon, although data on genetic purity are not available for most populations. The status of native populations of the species in Washington is largely unknown, although several populations were apparently confirmed by recent studies. About half of the few streams in Wyoming that are historic habitat for westslope cutthroat trout now have populations of this subspecies, but all are hybridized to some degree with stocked, nonnative trout. In Alberta and British Columbia, Canada, little is known about the status of native westslope cutthroat trout, although genetically pure populations have been found in the upper Kootenai River drainage.

Listing Factors

The following is a brief discussion of the five listing factors set forth in section 4(a)(1) of the Act and related regulations (50 CFR Part 424), and the applicability of these factors to the westslope cutthroat trout.

A. The Present or Threatened Destruction, Modification, or Curtailment of the Species' Habitat or Range

As indicated by the copetitioners, reproduction and survival of westslope cutthroat trout are adversely affected by increased stream sedimentation and temperatures and the alteration of natural stream flows that often result from logging and associated road building, livestock grazing, mining, urban development, agricultural practices, and the operation of dams. In many areas where this subspecies remains today, populations of westslope cutthroat trout are threatened by similar ongoing or proposed activities.

B. Overutilization for Commercial, Sporting, Scientific, or Educational Purposes

The copetitioners provide evidence that overfishing contributed to the decline in westslope cutthroat trout populations. Where present angling regulations and their enforcement are not adequate to protect remaining westslope cutthroat trout populations from overfishing, the continued existence of these populations may be threatened.

C. Disease or Predation

Whirling disease was recently detected in Montana and is believed to be responsible for a 90 percent decline in the rainbow trout population of the Madison River. The disease has also been found in Idaho, Oregon, and Washington. The copetitioners provide evidence that westslope cutthroat trout, close relatives to rainbow trout, are equally susceptible to whirling disease. Because there is presently no means to eliminate whirling disease or effectively control its spread, whirling disease may pose a threat to the continued existence of some westslope cutthroat trout populations. The copetitioners also provide evidence that, in some areas, nonnative fish species prey upon westslope cutthroat trout. Where the stocking of such nonnative species continues near areas inhabited by westslope cutthroat trout, and in areas where established populations of such nonnative fish species grow and spread, these nonnative fishes pose a threat to the continued existence of westslope cutthroat trout.

D. Inadequacy of Existing Regulatory Mechanisms

The copetitioners assert that the survival of westslope cutthroat trout is threatened by the absence of a comprehensive conservation strategy to protect and restore aquatic ecosystems and that designation of the subspecies as sensitive or of special concern by various management agencies has done little to control activities that degrade habitat and threaten remaining westslope cutthroat trout populations.

E. Other Natural or Manmade Mechanisms

The copetitioners provide evidence that hybridization with nonnative fish species is one of the most significant threats to the continued existence of westslope cutthroat trout. As the result of extensive stocking of nonnative species beginning in the 1800's and continuing in some areas today, such hybridization has occurred throughout much of the subspecies' range. Where the stocking of such nonnative species continues near areas inhabited by westslope cutthroat trout, and in areas where established populations of such nonnative fish species grow and spread, these nonnative fishes pose a threat to the continued existence of westslope cutthroat trout. The copetitioners also assert that the spatial separation of remaining westslope cutthroat trout populations precludes natural interbreeding and thereby increases the likelihood that these populations will become extinct due to limited genetic variability; and small sizes make these populations more vulnerable to extinction due to natural catastrophes such as floods, landslides, and fires.

Finding

The Service has reviewed the amended petition, as well as other available information, published and unpublished studies and reports, and agency files. On the basis of the best scientific and commercial information available, the Service finds that there is sufficient information to indicate that listing of the westslope cutthroat trout as threatened, throughout all or parts of its range, may be warranted. The Service believes that the decline of westslope cutthroat trout is due mainly to the destruction and adverse modification of habitat and the negative effects of stocked, nonnative fish species, as described above under the listing factors. However, the Service also believes that the present status of westslope cutthroat trout throughout its historic range is not well understood, particularly with regard to the genetic characteristics of many known populations, the possible occurrence of additional populations in areas that have not been studied, and the measures now underway to protect remaining populations. Within 1 year from the date the petition was received, a finding as to whether the petitioned action is warranted is required by section 4(b)(3)(B) of the Act. The petitioners also requested that critical habitat be designated for this species. If the Service's 12-month finding indicates that the petitioned action to list the westslope cutthroat trout is warranted, then designation of critical habitat will be addressed in the subsequent proposed rule.

References Cited

Behnke, R. J. 1992. Native trout of western North America. American Fisheries Society Monograph 6.

Shepard, B.B., D. Sanborn, L. Ulmer, and D.C. Lee. 1997. Status and risk of extinction for westslope cutthroat trout in the upper Missouri River basin, Montana.

North American Journal of Fisheries Management 17:1158–1172.

Author

The primary author of this 90-day finding is Lynn Kaeding (See **ADDRESSES** section).

Authority

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

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: June 1, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–15317 Filed 6–5–98; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018—AF01

Endangered and Threatened Wildlife and Plants: Proposal To List the Coastal-Puget Sound, Jarbidge River and St. Mary-Belly River Population Segments of Bull Trout as Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to list the Coastal-Puget Sound population segment of bull trout (*Salvelinus confluentus*) from the coastal drainages and Puget Sound in western Washington; the Jarbidge River population segment of bull trout from the Jarbidge River basin in southern Idaho and northern Nevada; and the St. Mary-Belly River population segment of bull trout in the St. Mary and Belly rivers in northwestern Montana as threatened with a special rule, pursuant to the Endangered Species Act of 1973 (Act). The Coastal-Puget Sound population segment, composed of 35 subpopulations of ''native char'', is threatened by habitat degradation, dams and diversions, and interactions with non-native fishes. The Jarbidge River population segment, composed of a single subpopulation, is threatened by habitat degradation from past and ongoing land management activities such as mining, road construction and maintenance, and grazing. The St. Mary-Belly River population segment, composed of four subpopulations, is threatened by the effects of water management such as dewatering, entrainment, and passage barriers at diversion structures, and interactions with introduced non-native fishes. The special rule allows for take of bull trout within the three population segments if in accordance with applicable State and Native American Tribal fish and wildlife conservation laws and regulations, and conservation plans. This proposal, if made final, would extend protection of the Act to these three bull trout population segments.

DATES: Comments from all interested parties must be received by October 8, 1998. Public hearings locations and dates are set forth in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Comments and material concerning this proposal should be sent to the U.S. Fish and Wildlife Service, Snake River Basin Field Office, 1387 S. Vinnell Way, Room 368, Boise, Idaho 83709. Comments and material received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Robert Ruesink, Supervisor, Snake River Basin Field Office, at the above address (telephone 208/378–5243; facsimile 208/378–5262).

SUPPLEMENTARY INFORMATION: Public hearings locations and dates are:

1. *Tuesday, July 7, 1998,* from 2:00–4:00 p.m. and from 6:00–8:00 p.m. at the Norman Worthington Conference Center at St. Martin's College, 5300 Pacific Avenue SE, Lacey, Washington.

2. *Thursday, July 9, 1998,* from 2:00–4:00 p.m. and from 6:00–8:00 p.m. at the Best Western Cotton Tree Inn, Mt. Adams Room, 2401 Riverside Dr, Mount Vernon, Washington.

3. *Tuesday, July 14, 1998,* from 2:00– until 4:00 p.m. and from 6:00–8:00 p.m. at Glacier Park Lodge, East Glacier, Montana.

4. *Tuesday, July 21, 1998,* from 2:00–4:00 p.m. and from 6:00–8:00 p.m. at Cactus Petes, 1385 US Highway 93, Jackpot, Nevada.

Background

Bull trout (*Salvelinus confluentus*), members of the family Salmonidae, are char native to the Pacific northwest and western Canada. Bull trout historically occurred in major river drainages in the Pacific northwest from about 41° N to 60° N latitude, from the southern limits in the McCloud River in northern California and the Jarbidge River in Nevada to the headwaters of the Yukon River in Northwest Territories, Canada (Cavender 1978; Bond 1992). To the west, bull trout range includes Puget Sound, various coastal rivers of British Columbia, Canada, and southeast Alaska (Bond 1992). Bull trout are wide-spread throughout tributaries of the Columbia River basin, including its headwaters in Montana and Canada. Bull trout also occur in the Klamath River basin of south central Oregon. East of the Continental Divide, bull trout are found in the headwaters of the Saskatchewan River in Alberta and the MacKenzie River system in Alberta and British Columbia (Cavender 1978; McPhail and Baxter 1996; Brewin and Brewin 1997).

Bull trout were first described as *Salmo spectabilis* by Girard in 1856 from a specimen collected on the lower Columbia River, and subsequently described under a number of names such as *Salmo confluentus* and *Salvelinus malma* (Cavender 1978). Bull trout and Dolly Varden (*Salvelinus malma*) were previously considered a single species (Cavender 1978; Bond 1992). Cavender (1978) presented morphometric (measurement), meristic (geometrical relation), osteological (bone structure), and distributional evidence to document specific distinctions between Dolly Varden and bull trout. Bull trout and Dolly Varden were formally recognized as separate species distributional evidence to document specific distinctions between Dolly Varden and bull trout. Bull trout and Dolly Varden were formally recognized as separate species by the American Fisheries Society in 1980 (Robins et al. 1980). Although bull trout and Dolly Varden co-occur in several northwestern Washington River drainages, there is little evidence of introgression (Haas and McPhail 1991) and the two species appear to be maintaining distinct genomes (Leary et al. 1993; Williams et al. 1995; Kanda et al. 1997; Spruell and Allendorf 1997).

Bull trout exhibit resident and migratory life-history strategies through much of the current range (Rieman and McIntyre 1993). Resident bull trout complete their life cycles in the tributary (or nearby) streams in which they spawn and rear. Migratory bull trout spawn in tributary streams where juvenile fish rear from one to four years before migrating to either a lake (adfluvial), river (fluvial), or in certain coastal areas, to saltwater (anadromous), where maturity is reached in one of the three habitats (Fraley and Shepard 1989; Goetz 1989). Anadromy is the least studied life-history type in bull trout, and some biologists believe the existence of anadromous bull trout may be uncertain (McPhail and Baxter 1996).