

### Cumulative Effects of Listing Factors Information Provided in the Petition

The Petitioners assert that Utah prairie dog viability is cumulatively impacted by all five of the listing factors. They state that activities such as destruction and degradation of private and public lands, inadequate habitat conservation planning, illegal shooting and poisoning, an ineffective translocation program, and plague cumulatively impact Utah prairie dog persistence and, therefore, necessitate the reclassification of the species from threatened to endangered (Forest Guardians *et al.* 2003, p. 186).

### Evaluation of Information Provided in the Petition and Available in Service Files

We acknowledge that the Utah prairie dog is threatened by several factors, most notably habitat loss and degradation from urbanization, and plague (Service 2010, p. 1.8–3). Ongoing threats, as described in the discussion of Factors A through E, include livestock grazing, road construction, OHV and recreational use, habitat loss from agricultural and urban land conversions, illegal shooting, and plague. The species is listed as threatened because of these factors.

Throughout this finding, we clearly identified the effects of each of these factors to the Utah prairie dog. In many cases, we identified that the effects are often localized to specific areas within the species' range. For example, the threat of urbanization is greatest in the West Desert recovery unit (see "Habitat Loss from Agricultural and Urban Land Conversion" under "A., Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range"); albeit it is one of the largest overall threats to the species. Livestock grazing can be a threat to the species in site-specific areas where improper grazing negatively affects habitat conditions (see "Livestock Grazing" under "A., Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range"). Road construction, OHV use, and recreation may have effects to individuals or colonies that occur adjacent to the roadways, trails, or play areas; however, these are localized areas and do not result in population-level effects (see "Road Construction, Off-Highway Vehicle Use, and Recreation" under "A., Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range"). Furthermore, there is an increased planning effort on Federal lands toward directing these activities away from Utah prairie dog habitats (Service 2010,

p. 1.7–4). Existing and anticipated oil and gas development occurs on only a small percentage of the species habitat, and even then effects are minimized by Federal minimization and mitigation requirements that avoid impacts to suitable prairie dog habitats (see "Oil, Gas, and Mineral Development" under "A., Present or Threatened Destruction, Modification, or Curtailment of its Habitat or Range"). Illegal shooting occurs in some instances, but we have only documented isolated incidents. Illegal shooting is not widespread across the species' range (see "B., Overutilization for Commercial, Recreational, Scientific, or Educational Purposes"). Similarly, predation is a natural occurrence in Utah prairie dog colonies. Effects are normally realized in only isolated instances at highly fragmented colonies or at new translocation sites (see "C., Disease or Predation").

We determined that none of these threats, by themselves, act to place the species in current danger of extinction. Although most of the threats we analyzed have localized distributions, it is possible that more than one threat may act together to cause the local reduction or extirpation of a colony. However, at a rangewide level, Utah prairie dog population trends are stable to increasing, indicating that the factors identified above, both individually and cumulatively, have no broad-scale effects that threaten the species to the extent that it is currently in danger of extinction.

Plague occurs across the species' entire range, and could certainly act cumulatively with other threat factors to cause individual colonies to be reduced in size or extirpated (see "C., Disease or Predation"). For example, if habitat is degraded from overgrazing or wildfire, it may hinder the ability of prairie dogs to reestablish a colony that is reduced or eliminated by plague.

However, despite the fact that plague and the other threats to the species have occurred for decades, and sometimes act cumulatively to affect individual colonies or complexes, the population trend of the Utah prairie dog remains stable to increasing across the species' range. Therefore, we conclude that the cumulative effects of these factors do not threaten the species to the extent that reclassifying the species from threatened to endangered may be warranted.

On the basis of our determination under section 4(b)(3)(A) of the Act, we conclude that the petition does not present substantial scientific or commercial information to indicate that reclassifying the Utah prairie dog

(*Cynomys parvidens*) under the Act as an endangered species may be warranted at this time. Although we will not review the status of the species at this time, we encourage interested parties to continue to gather data that will assist with the conservation of the Utah prairie dog. If you wish to provide information regarding the Utah prairie dog, you may submit your information or materials to the Field Supervisor, Utah Ecological Services Field Office (see **ADDRESSES**), at any time.

### References Cited

A complete list of references cited is available on the Internet at <http://www.regulations.gov> and upon request from the Utah Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

### Authors

The primary authors of this document are the staff members of the Utah Ecological Services Field Office (see **ADDRESSES**). The primary authors of the 90-day finding published on February 21, 2007, were the staff members of both the Utah Ecological Services Field Office and the Colorado Ecological Services Field Office.

### Authority

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

Dated: June 7, 2011.

**Rowan W. Gould,**

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

[FR Doc. 2011–15283 Filed 6–20–11; 8:45 am]

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

[Docket No. FWS–R8–ES–2009–0044; MO 92210–0–0009]

RIN 1018–AW86

### Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Sonoma County Distinct Population Segment of the California Tiger Salamander (*Ambystoma californiense*)

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

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

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**SUMMARY:** We, the U.S. Fish and Wildlife Service, announce the

reopening of the comment period on our August 18, 2009, proposed designation of critical habitat for the Sonoma County Distinct Population Segment of the California tiger salamander (*Ambystoma californiense*) under the Endangered Species Act of 1973, as amended. We also announce revisions to the proposed critical habitat unit. In this revised proposal, we add 4,945 ac (2,001 ha) to the proposed critical habitat unit in the general area of Roblar Road, based on peer review and other information submitted in the previous public comment period. In total, we are proposing to designate approximately 55,800 acres (ac) (22,580 hectares (ha)) of land as critical habitat for the Sonoma California tiger salamander. We are reopening the comment period to allow interested parties an opportunity to comment on the revised proposed critical habitat. Comments previously submitted need not be resubmitted and will be fully considered in preparation of the final rule.

**DATES:** We will consider public comments received on or before July 5, 2011. Comments must be received by 11:59 p.m. Eastern Time on the closing date. Any comments that we receive after the closing date may not be considered in the final decision on this action.

**ADDRESSES:** You may submit comments by one of the following methods:

- *Federal eRulemaking Portal:* <http://www.regulations.gov>. Follow the instructions for submitting comments to Docket No. FWS-R8-ES-2009-0044.
- *U.S. mail or hand-delivery:* Public Comments Processing, Attn: FWS-R8-ES-2009-0044; Division of Policy and Directives Management; U.S. Fish and Wildlife Service; 4401 N. Fairfax Drive, MS-2042 PDM; Arlington, VA, 22203.

We will post all comments on <http://www.regulations.gov>. This generally means that we will post any personal information you provide us (see the Public Comments section below for more information).

**FOR FURTHER INFORMATION CONTACT:** Susan Moore, Field Supervisor, or Karen Leyse, Listing Coordinator, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, Room W-2605, Sacramento, CA 95825; telephone 916-414-6600; facsimile 916-414-6713. Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 800-877-8339.

**SUPPLEMENTARY INFORMATION:**

## Public Comments

We intend that any final action resulting from this revised proposed rule will be based on the best scientific data available and will be as accurate and as effective as possible. We will accept written comments and information during this reopened comment period on our amended proposed designation of critical habitat for the Sonoma County Distinct Population Segment (Sonoma DPS) of the California tiger salamander that was published in the **Federal Register** on August 18, 2009 (74 FR 41662), our proposed revised designation (76 FR 2863; January 18, 2011), our draft economic analysis (DEA) of the proposed designation, and the amended required determinations provided in the January 18, 2011, **Federal Register** (76 FR 2863) document. We will consider information and recommendations from all interested parties. We are particularly interested in comments concerning the addition of the area previously not identified as meeting the criteria for critical habitat, but which now is being proposed as critical habitat. The additional area is located along Roblar Road west of the City of Cotati and State Route 116.

If you submitted comments or information on the proposed rule or revised proposed rule (74 FR 41662; August 18, 2009, or 76 FR 2863; January 18, 2011) during any of the previous comment periods, please do not resubmit them. These comments are included in the public record for this rulemaking, and we will fully consider them in the preparation of our final determination. You may submit your comments and materials concerning this revised proposed rule, the DEA associated with the revised proposed critical habitat designation, and the amended required determinations by one of the methods listed in **ADDRESSES**.

If you submit a comment via <http://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hard copy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hard copy comments on <http://www.regulations.gov>. Please include sufficient information with your comments to allow us to verify any scientific or commercial information you include.

Comments and materials we receive, as well as supporting documentation

used to prepare this notice, will be available for public inspection at <http://www.regulations.gov>, or by appointment, during normal business hours, at the U.S. Fish and Wildlife Service (Service), Sacramento Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT**). You may obtain copies of the proposed designation of critical habitat (74 FR 41662) and the DEA on the Internet at <http://www.regulations.gov> at Docket No. FWS-R8-ES-2009-0044, or by mail from the Sacramento Fish and Wildlife Office (see the **FOR FURTHER INFORMATION CONTACT**).

## Background

It is our intent to discuss only those topics directly relevant to the designation of critical habitat in this revised proposed rule. Additional background information can be found in the previously proposed revised critical habitat notice (76 FR 2863; January 18, 2011). Based on peer review information, we now propose a revision to the proposed critical habitat unit for the Sonoma County DPS of the California tiger salamander; accordingly, approximately 55,800 acres (ac) (22,580 hectares (ha)) in Sonoma County, California, meet the definition of critical habitat. The proposed revision adds approximately 4,945 ac (2,001 ha) to the proposed designation.

## Revisions to Proposed Critical Habitat

In this notice, we are revising the proposed unit (Santa Rosa Plain Unit), as described in the January 18, 2011 (76 FR 2863), proposed rule based on peer review and other information submitted in the previous public comment period. The information noted that there are three known breeding sites for the Sonoma County DPS of the California tiger salamander in the Roblar Road area. The peer reviewer stated that aerial photographs were reviewed and reconnaissance visits to the area were performed. The peer reviewer commented that the Roblar Road area likely consists of a California tiger salamander metapopulation with multiple known breeding sites. The peer reviewer recommended that we include the area within a minimum of 1.3 miles (mi) (2 kilometers (km)) from each of the three Roblar breeding sites as critical habitat. The 1.3-mi (2-km) distance is based on observations of California tiger salamanders from the nearest breeding ponds (Sweet 1998).

The Roblar Road area contains the physical and biological features essential to the conservation of the species, and these features may require special management considerations or

protection. These features include: ponded fresh water habitat inundated during the appropriate timeframe and for the appropriate duration; upland habitats adjacent and accessible to and from ponds that contain underground refugia; and upland dispersal habitat between occupied locations that allow for movement between ponded or upland sites. Based on life history, dispersal capabilities, and habitat use by the species, we consider this additional area to have been occupied by the species at the time of listing. However, even if this additional breeding area was not occupied at the time of listing, we consider the Roblar Road area essential for the conservation of the species, based on the species' limited distribution within fragmented habitat within the Santa Rosa Plain area.

The proposed addition totals approximately 4,945 ac (2,001 ha). Table 1 below shows the approximate area and landownership within the unit. We are revising the final economic analysis (FEA) to include this additional area in the analysis, utilizing the same methodology to estimate economic impacts employed in the DEA. The FEA will contain an addendum explaining these anticipated economic costs and impacts.

TABLE 1—PROPOSED CRITICAL HABITAT

[Area estimates reflect all land within the critical habitat unit boundary]

Santa Rosa Plain Unit	
Land ownership by type	Size of area in acres (hectares)
Federal .....	0 (0)
State .....	984 (398)
City .....	805 (326)
County .....	633 (256)

TABLE 1—PROPOSED CRITICAL HABITAT—Continued

[Area estimates reflect all land within the critical habitat unit boundary]

Santa Rosa Plain Unit	
Land ownership by type	Size of area in acres (hectares)
Tribal .....	264 (107)
Private .....	53,114 (21,494)
<b>Total .....</b>	<b>55,800 (22,580)</b>

**Note:** Area sizes may not sum due to rounding.

In summary, the purpose of this revision to the proposed critical habitat is to better delineate the areas that contain the physical or biological features essential to the conservation of the species and that meet the definition of critical habitat for the California tiger salamander in Sonoma County. This revision is based on recent documentation of adult California tiger salamanders and known breeding ponds in the vicinity of Roblar Road.

**Author(s)**

The primary authors of this notice are the staff members of the Sacramento Fish and Wildlife Office (see **FOR FURTHER INFORMATION CONTACT** section).

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

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

**Proposed Regulation Promulgation**

Accordingly, we propose to further amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as proposed to be amended at 74 FR 41662, August 18, 2009, as follows:

**PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS**

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

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

2. Critical habitat for the California tiger salamander (*Ambystoma californiense*) in Sonoma County at § 17.95(d) is proposed to be amended by revising the heading, paragraph (53)(i), and paragraph (56) to read as follows:

**§ 17.95 Critical habitat—fish and wildlife.**

\* \* \* \* \*

(d) *Amphibians.*

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California Tiger Salamander (*Ambystoma californiense*)

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California Tiger Salamander (*Ambystoma californiense*) in Sonoma County

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(53) \* \* \*

(i) Standing bodies of fresh water (including natural and manmade (e.g., stock) ponds, vernal pools, and other ephemeral or permanent water bodies) that typically support inundation during winter and early spring and hold water for a minimum of 12 consecutive weeks in a year of average rainfall.

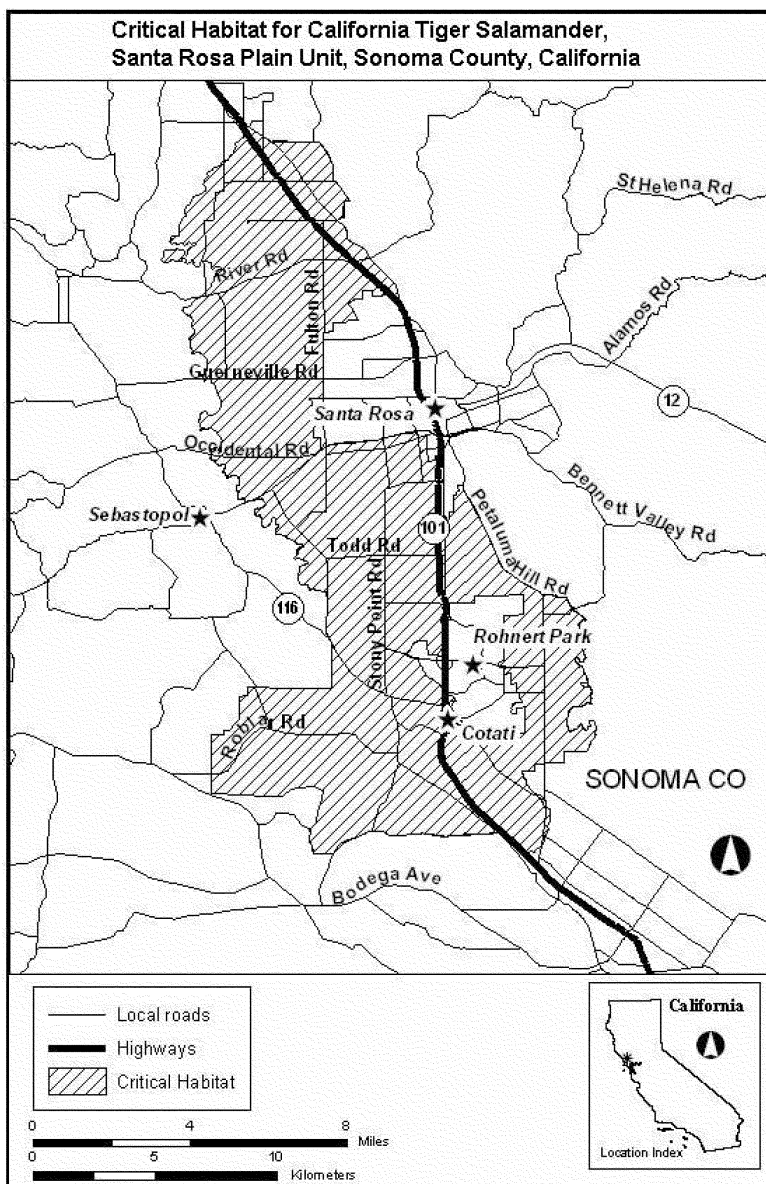
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(56) Santa Rosa Plain Unit, Sonoma County, California.

(i) [Reserved for textual description of the Santa Rosa Plain Unit, Sonoma County, California.]

(ii) *Note:* Map of Santa Rosa Plain Unit, Sonoma County, California, follows:

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\* \* \* \* \*

Dated: June 13, 2011.

**Rachel Jacobson,**

*Acting Assistant Secretary for Fish and  
Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[Docket No. 110520295-1295-01]

RIN 0648-BA64

#### Atlantic Highly Migratory Species; Vessel Monitoring Systems

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** The National Marine Fisheries Service (NMFS) proposes to require replacement of currently

required Mobile Transmitting Unit (MTU) Vessel Monitoring System (VMS) units with Enhanced Mobile Transmitting Unit (E-MTU) VMS units in Atlantic HMS fisheries; implement a declaration system that requires vessels to declare target fishery and gear type(s) possessed on board; and require that a qualified marine electrician install all E-MTU VMS units. This proposed rulemaking would remove dated MTU VMS units from service in Atlantic HMS fisheries, make Atlantic HMS VMS requirements consistent with other VMS-monitored Atlantic fisheries, provide the National Marine Fisheries Service Office of Law Enforcement (NMFS Enforcement) with enhanced communication with HMS vessels at sea. This rule would affect all HMS pelagic longline (PLL), bottom longline (BLL), and shark gillnet fishermen who