

Miller, NMFS, Office of Protected Resources (301) 427-8403.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA (16 U.S.C. 1533) contains provisions allowing interested persons to petition the Secretary of Commerce (Secretary) to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. The Secretary has delegated the authority for these actions to the NOAA Assistant Administrator for Fisheries.

On October 31, 2011, we received a petition from the Siskiyou County Water Users Association and Dr. Richard Gierak requesting that we delist the SONCC ESU of coho salmon under the ESA. The petitioners previously submitted three petitions requesting we delist coho salmon. We analyzed those petitions and found the petitions did not present substantial scientific or commercial information indicating the petitioned action may be warranted. The negative 90-day finding notice for the three petitions was published in the **Federal Register** on October 7, 2011 (76 FR 62375). The current petition largely reiterates the petitioners' previous arguments, including that the species is not native to the Klamath River watershed, the species is in good condition overall, and extinction is inevitable. These arguments were rejected in our response to the previous petitions, and need not be repeated here.

In the current petition, the petitioners have specified their request to delist the SONCC ESU, presented some additional information regarding the status of coho stocks before and after construction of dams, and have added citations to articles on ocean temperature, heat content and volcanic activity in the Pacific Ocean. However, the data and citations are either offered without context or relationship to the petitioned action, or relate to the entire taxonomic species of coho salmon and not specifically to the SONCC ESU. In addition, petitioners have added a discussion of threats to the species, and included the full minutes of a Karuk Tribal Council meeting that were mentioned, but not provided, in their earlier petitions, to support their argument. However, petitioners' discussion of threats to the species supports maintaining the listing, and the Karuk Tribal Council minutes provide no additional evidence indicating whether the species is or is not, as petitioners claim, native to the Klamath River basin. Accordingly, none of this additional information modifies

the underlying scientific basis for our original determination or causes us to re-evaluate our earlier position.

ESA Statutory and Regulatory Provisions and Evaluation Framework

Section 4(b)(3)(A) of the ESA (16 U.S.C. 1533(b)(3)(A)) requires that we make a finding as to whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating the petitioned action may be warranted. ESA implementing regulations define "substantial information" as the "amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted" (50 CFR 424.14(b)(1)). In determining whether a petition presents substantial scientific or commercial information to list or delist a species, we take into account information submitted with, and referenced in, the petition and all other information readily available in our files. 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 published promptly in the **Federal Register** (16 U.S.C. 1533(b)(3)(A)). ESA implementing regulations state that a species may be delisted only if the best scientific and commercial data available substantiate that it is neither endangered nor threatened for one or more of the following reasons: The species is extinct; the species is recovered; or subsequent investigations show the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error (50 CFR 424.11(d)).

Petition Finding

As discussed above, this subject petition does not present any new or substantial scientific or commercial information related to whether the SONCC ESU of coho salmon is recovered, extinct, or that the best scientific or commercial data available when the species was listed, or the interpretation of such data, were in error. Therefore, we determine that the petition does not present substantial scientific or commercial information to indicate that the petitioned action may be warranted.

References Cited

A complete list of the references used in this finding is available upon request (see **ADDRESSES**).

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 5, 2012.

Samuel D. Rauch III,
Deputy Assistant Administrator for
Regulatory Programs, National Marine
Fisheries Service.

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DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

RIN 0648-XA778

**Endangered and Threatened Species;
Recovery Plan for the Southern
California Steelhead Distinct
Population Segment**

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of Availability.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the adoption of an Endangered Species Act (ESA) recovery plan for the Southern California Steelhead (*Oncorhynchus mykiss*) Distinct Population Segment (DPS), which spawn and rear in coastal rivers from the Santa Maria River to the Tijuana River California. The Final Southern California Steelhead Recovery Plan (Final Recovery Plan) and our summary of and responses to public comments are now available.

ADDRESSES: Electronic copies of the Final Recovery Plan and a summary of and response to public comments on the Final Recovery Plan are available online at <http://www.nmfs.noaa.gov/pr/recovery/plans/htm>. A CD-ROM of these documents can be obtained by emailing a request to Penny.Ruvelas@noaa.gov or by writing to NMFS Protected Resources Division, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Penny Ruvelas, National Marine Fisheries Service, (562) 980-4197.

SUPPLEMENTARY INFORMATION:

Background

The Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*) requires that we develop and implement recovery plans for the conservation and survival of threatened and endangered species under our jurisdiction, unless it is determined that such plans would not result in the conservation of the species. We designated the Southern California Steelhead Evolutionarily Significant Unit (ESU) as endangered in the **Federal**

Register on August 18, 1997 (62 FR 43937). The original ESU boundaries during the initial listing of 1997 were from the Santa Maria River south to Malibu Creek. Following this initial listing, *O. mykiss* were discovered in watersheds south of Malibu Creek (Topanga Creek in Los Angeles County and San Mateo Creek in Orange, Riverside, and San Diego Counties) and genetic testing confirmed that these *O. mykiss* were most closely related to the more northern populations of the Southern California Steelhead ESU. As a result, the range for the ESU was extended south to the U.S.-Mexico border on May 1, 2002 (67 FR 21586). NMFS reaffirmed the listing of all West Coast steelhead populations and applied the DPS designation in place of the ESU designation on January 5, 2006 (72 FR 834).

We published a Notice of Availability of the proposed Draft Recovery Plan in the **Federal Register** on July 23, 2009 (74 FR 36480); and a notice of a 60-day time extension for public comments on September 11, 2009 (74 FR 46747). NMFS held eight multi-day public meetings on the threats assessment and recovery actions, and two multi-day public meetings on the proposed draft Recovery Plan to solicit public comments. We received over 90 comments on the proposed draft Recovery Plan and summarized the public comments, prepared responses, and identified the public comments that prompted revisions for the Final Recovery Plan. We revised the proposed draft Recovery Plan based on the comments received, and this final version now constitutes the Recovery Plan for the Southern California Steelhead DPS.

The ESA requires that recovery plans incorporate, to the extent practicable: (1) Objective, measurable criteria which, when met, would result in a determination that the species is no longer threatened or endangered; (2) site-specific management actions necessary to achieve the plan's goals; and (3) estimates of the time required and costs to implement recovery actions. Our goal is to restore the endangered Southern California Steelhead DPS to the point where they are again secure, self-sustaining members of their ecosystems and no longer need the protections of the ESA.

The Final Recovery Plan provides background on the natural history of Southern California Steelhead DPS, current population trends, and the threats to their viability. The Final Recovery Plan lays out a recovery strategy to address the threats based on the best available science and includes

goals that incorporate objective, measurable criteria which, when met, could result in a determination that the species may be removed from the Federal list of threatened and endangered species. The Final Recovery Plan is not regulatory, but presents guidance for use by agencies and interested parties to assist in the recovery of the Southern California Steelhead DPS. The Final Recovery Plan identifies substantive recovery actions needed to achieve recovery by addressing the systemic threats to the species, and provides a time-line and estimated costs of recovery actions. The strategy for recovery includes a linkage between conservation and management actions and an active research and monitoring program intended to fill data gaps and assess effectiveness of those actions. The Final Recovery Plan incorporates an adaptive management framework by which conservation and management actions and other elements will evolve and adapt as we gain information through research and monitoring; it describes the agency guidance for periodic review of the status of the species and the recovery plan. To address threats related to the species, the Final Recovery Plan acknowledges many of the significant efforts already underway to restore steelhead access to high-quality habitat and to improve habitat previously degraded.

We expect the Final Recovery Plan to help us and other Federal agencies take a consistent approach to section 7 consultations under the ESA and to other ESA decisions. For example, the Final Recovery Plan will provide information on the biological context for the effects that a proposed action may have on the listed DPS. The information in the Final Recovery Plan on the natural history, threats, and potential limiting factors, and priorities for recovery can be used to help assess risks and conservation actions. Consistent with the adoption of this Final Recovery Plan for the Southern California Steelhead DPS, we will implement relevant actions for which we have authority, work cooperatively on implementation of other actions, and encourage other Federal and state agencies to implement recovery actions for which they have responsibility and authority.

Recovery of the Southern California Steelhead DPS will require a long-term effort in cooperation and coordination with Federal, state, tribal and local government agencies, and the community.

Conclusion

NMFS has reviewed the Plan for compliance with the requirements of the ESA section 4(f), determined that it does incorporate the required elements and is therefore adopting it as the Final Recovery Plan for Southern California Steelhead DPS.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: January 4, 2012.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA923

Gulf of Mexico Fishery Management Council (Council); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene public meetings.

DATES: The meetings will be held January 30–February 2, 2012.

ADDRESSES: The meetings will be held at the Renaissance Riverview Hotel; 64 S. Water Street, Mobile, AL 36602; telephone: (251) 438-4000.

Council address: Gulf of Mexico Fishery Management Council, 2203 North Lois Avenue, Suite 1100, Tampa, FL 33607.

FOR FURTHER INFORMATION CONTACT: Dr. Stephen Bortone, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

SUPPLEMENTARY INFORMATION:

Committees

Monday, January 30, 2012

1 p.m.–2 p.m.—Scientific & Statistical Committee (SSC) Selection Committee will discuss duties and responsibilities of the SSC.

2 p.m.–4 p.m.—Mackerel Management Committee will review scoping documents for Amendment 19—No Sale and Permits and Amendment 20—Boundaries and Transit Provisions; and select future scoping meeting locations.

4 p.m.–4:30 p.m.—Shrimp Management Committee will review the