Dated: April 16, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, we propose to amend part 224, title 50 of the Code of Federal Regulations as set forth below:

PART 224—ENDANGERED MARINE AND ANADROMOUS SPECIES

1. The authority citation of part 224 continues to read as follows:

Authority: 16 U.S.C. 1531–1543 and 16 U.S.C. 1361 *et seq.*

§ 224.101 [Amended]

2. In § 224.101, amend paragraph (b) by adding, ''Cook Inlet distinct population segment of beluga whale (*Delphinapterus leucas*)'' in alphabetical order.

[FR Doc. E7–7577 Filed 4–19–07; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 070227047–7047–01; I.D. 020405C]

RIN 0648–AS96

Fisheries Off West Coast States; West Coast Salmon Fisheries; Amendment 14; Essential Fish Habitat Descriptions for Pacific Salmon

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS proposes regulations to implement Amendment 14 to the Pacific Salmon Fishery Management Plan (Salmon FMP) to identify and describe essential fish habitat (EFH) for Pacific salmon. The intent of this proposed rule is to codify the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon FMP, including Chinook, coho, and pink salmon. This proposed rule complies with an order issued by the U.S. District Court of Idaho directing NMFS to codify the EFH identifications and descriptions contained in the Salmon FMP. This proposed EFH rule is separate and distinct from the December 2004 proposed critical habitat rules in which NMFS proposed critical habitat for seven groupings of Chinook and coho salmon listed as threatened or endangered species under the Endangered Species Act (ESA). Where EFH and critical habitat overlap, NMFS will generally merge the results of both consultations into one response package to maximize regulatory efficiencies whenever possible.

DATES: Comments must be received by July 19, 2007.

ADDRESSES: You may submit comments or obtain a supplemental regulatory impact review to amendment 14 to the Pacific Salmon Fishery Management Plan by any of the following methods:

- *E-mail: EFH.salmon@NOAA.gov*. Include in the subject line the following identifier ''RIN 0648–AS96.''
- *Federal e-Rulemaking Portal: http://www.regulations.gov*.
- *Mail:* For submitting paper, disk or CD ROM comments. Frank Lockhart, NMFS Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115.
- *Fax:* 206–526–6736.

FOR FURTHER INFORMATION CONTACT: Frank Lockhart at 206–526–6142.

SUPPLEMENTARY INFORMATION: Among other things, the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes development of Federal Fishery Management Plans (FMPs), and Federal regulation of domestic fisheries under those FMPs, within the 200–mile U.S. Exclusive Economic Zone (EEZ). 16 U.S.C. 1811, 1853. To assist the Secretary of Commerce (Secretary) in carrying out specific management and conservation duties, the Magnuson-Stevens Act created eight regional fishery management councils. Under the Magnuson-Stevens Act, an FMP and any amendments are usually originated by one of the eight regional fishery management councils, 16 U.S.C. 1852, and must then be approved by the Secretary of Commerce. 16 U.S.C. 1854.

Essential Fish Habitat

The Magnuson-Stevens Act, originally enacted in 1976, has been amended several times. In 1996, the Sustainable Fisheries Act (SFA) amended the Magnuson-Stevens Act adding provisions aimed at halting overfishing and rebuilding overfished fisheries, reducing bycatch, and assessing and minimizing the impacts of management measures on fishing communities. Congress articulated in its findings that:

> one of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States. 16 U.S.C. 1801(a).

In making such findings, Congress declared one of the purposes of the Magnuson-Stevens Act to be the promotion of ''the protection of [EFH] in the review of projects conducted under Federal permits, licenses, or other authorities that affect or have the potential to affect such habitat.'' 16 U.S.C. 1802(b)(7). To ensure habitat considerations receive increased attention for the conservation and management of fishery resources, the amended Magnuson-Stevens Act required each existing, and any new, FMP to:

> describe and identify essential fish habitat for the fishery based on the guidelines established by the Secretary under section 1855(b)(1)(A) of this title, minimize to the extent practicable adverse effects on such habitat caused by fishing, and identify other actions to encourage the conservation and enhancement of such habitat. 16 U.S.C. 1853(a)(7).

''EFH'' is defined in the Magnuson-Stevens Act as ''those waters and substrate necessary to fish for spawning, breeding, feeding, or growth to maturity.'' 16 U.S.C. 1802(10).

The EFH regulations (50 CFR 600.815) establish additional guidance to the Councils on how to identify and describe EFH. The regulations indicate that Councils should:

> obtain information to describe and identify EFH from the best available sources, including peer reviewed literature, unpublished scientific reports, data files of government resource agencies, fisheries landing reports, and other sources of information.

The regulations identify four classification levels to organize available information relevant to EFH identifications and descriptions. Level 1 information is limited to species distributional data; level 2 information includes habitat-related densities; level 3 includes growth, reproduction or survival rates within habitats; and level 4 consists of production rates by habitat. Councils are encouraged to identify and describe EFH based on the highest level of detail (i.e., level 4). Readers are encouraged to see the EFH regulations (50 CFR 600.815, subpart J) for a complete description of each of these levels as well as guidance on how the Councils should analyze the available information. In determinating EFH, the regulations advise the Councils to interpret the available information in a ''risk-averse fashion to ensure adequate areas are identified as EFH for managed species.'' 50 CFR 600.815(a)(1)(iv)(A). For Pacific salmon, the Pacific Fishery Management Council (Pacific Council) obtained information at all four levels

for certain freshwater areas, and the first three levels of information for the estuaries; only the first level of information was available for marine areas.

Amendment 14 to the Pacific Salmon Fishery Management Plan

The Secretary approved the Salmon FMP under the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*, in 1978. The Pacific Council has amended the Salmon FMP 14 times since 1978. For more information on the FMP process, refer to 16 U.S.C. 1651–1654.

The Pacific Council identified and described EFH for Pacific salmon in Amendment 14 to the Salmon FMP and submitted it on June 12, 2000, for Secretarial review. After a public comment period, NMFS approved Amendment 14 on September 27, 2000. The Pacific salmon EFH descriptions and identifications were not codified during the development of Amendment 14.

NMFS issues this proposed rule in response to a U.S. District Court of Idaho (Court) order (Case No. CV02–C-EJL, District Court of Idaho) directing NMFS to codify the EFH identifications and descriptions contained in the Salmon FMP. The Court determined that the EFH identifications and descriptions included in the amendment constitute a substantive rule under the Administrative Procedure Act (APA). The Court remanded, but did not vacate, the EFH identifications and descriptions contained in Amendment 14 to NMFS, and ordered NMFS to undertake notice and comment rulemaking to codify identified and described EFH for the Pacific salmon fishery.

The intent of this proposed rule is to codify, in compliance with the Court's order, the EFH identifications and descriptions for freshwater and marine habitats of Pacific salmon managed under the Salmon FMP for Chinook (*Oncorhynchus tshawytscha*), coho (*O. kisutch*), and pink (*O. gorbuscha*) salmon in Washington, Oregon, Idaho and California.

As new information becomes available, the Pacific Council will consider potential modifications to the identifications and descriptions of EFH. The Pacific Council is scheduled to review salmon EFH, pursuant to the review process schedule set up by both the Magnuson-Stevens Act and the EFH regulations at 50 CFR 600.815(a)(10). Upon completion of this 5–year review, the Pacific Council and NMFS may propose changes to the EFH descriptions depending on the level of new information and the effect that information has on the existing EFH identifications and descriptions.

This proposed rule does not contradict or make obsolete the information contained in appendix A of Amendment 14 to the Salmon FMP. Rather, this proposed rule summarizes key features of appendix A and would codify the EFH geographic extent descriptions for Pacific salmon. Appendix A contains important background and supplementary information on EFH, and can be found on the Council's website at *http://www.pcouncil.org/salmon/salfmp/a14.html*.

Pacific Council Approach to EFH Identification

The Pacific Council chose a comprehensive rather than a limiting approach in the Amendment 14 identification of salmon EFH for the following reasons, all of which made it very difficult to narrowly define EFH geographically. In the marine environment, Pacific salmon distribution is: (1) extensive; (2) varies seasonally and interannually; and (3) has not been extensively sampled in many ocean areas. In estuaries and freshwater, there is a high degree of natural variability in distribution of salmon species and habitat use (e.g., fluctuation in population abundance that can lead to a wider extent of habitat being used during high abundance years and a smaller extent of habitat being occupied during lower abundance years; varying levels of habitat quality; and interannual stream flow variation and water quality changes). For these reasons, the Pacific Council was not able to designate EFH based on fixed attributes of the streams (e.g., channel morphology (channel habitat type), streamflow, water quality, riparian condition, and temperature) because there may be areas of degraded habitat that may still be used by Pacific salmon and considered EFH.

The Pacific Council chose to adopt an inclusive, watershed-based description of EFH using United States Geological Survey (USGS) hydrologic units, because it recognizes the species' use of diverse habitats, considers the variability of freshwater habitat as affected by environmental conditions (droughts, floods, etc.), and reinforces important linkages between aquatic and adjacent upslope areas. A more detailed background on the Pacific Council's approach can be found in appendix A of Amendment 14 to the Salmon FMP.

Consideration of Artificial Barriers

In identifying the upstream extent of EFH, the Pacific Council considered artificial barriers and dams that affect Pacific salmon habitat. Numerous hydropower, water storage, and flood control systems have been built that either block access to areas historically accessible to Pacific salmon or alter the hydrology of downstream reaches. The Pacific Council therefore considered whether more than 50 large impassible barriers in Washington, Idaho, Oregon, and California should be designated as the upstream extent of EFH. These barriers are identified in Table 1 to part 660, subpart H. Should it become feasible for Pacific salmon to have access to or be reintroduced above the impassible dams, the FMP requires the Pacific Council to recommend identifying and describing the areas above the barriers as Pacific salmon EFH. The potential for expansion of EFH under these circumstances is addressed at 50 CFR 600.815(a)(1)(iv)(C) and (F).

Pacific Salmon Biology

The Magnuson-Stevens Act links EFH identifications and descriptions to life history stages, and the physiological, biological, and habitat parameters on which each life stage depends. To accomplish the task of linking these parameters in a meaningful way, the Pacific Council established tables and a narrative that present habitat requirements as they relate to fish life history stage and physiology. The four life history stages are eggs, larvae (alevins), juveniles, and adults. The biological needs include diet, substrate type, water quality, and others. These tables can be found in appendix A of Amendment 14 (Tables A–3, A–4, and A–5).

A brief overview of Pacific salmon life history and habitat requirements is provided below. This information is not intended to be a thorough review of Pacific salmon habitat requirements. Rather, it is intended to provide a sample of the information that supported the Pacific Council's EFH identifications and descriptions. See appendix A of Amendment 14 to the Salmon FMP for more detailed information on habitat use specific to life stage.

Chinook, coho, and pink salmon all have similar life history and habitat requirements; yet all three species have unique survival and reproductive strategies. They are anadromous, and by definition live the first part of their lives in freshwater and the adult part of their lives in marine waters before returning to spawn in freshwater.

For spawning and rearing, these salmon require clean, cold, well-oxygenated water with moderate

current. Spawning adults need medium to coarse gravel in which to deposit eggs. Eggs and alevins need well-oxygenated interstitial spaces with continuous water flow. This life stage is susceptible to poor water quality, predation, and physical impacts such as flooding or excessive siltation, which can smother the eggs.

At an age that varies among species, juvenile salmon migrate downstream towards the ocean. During this migration, the juvenile salmon require high water quality and protection from predation. Estuaries provide a mixing zone of saline and freshwater in which the young salmon can adapt to marine waters.

Pacific salmon use large portions of the north Pacific during ocean migration, although patterns vary between species and even between different populations of the same species. It is clear that ocean migration can be extensive. During the ocean phase, salmon are susceptible to predation, fishing mortality, and lack of food resources. The Pacific Council and NMFS considered excluding large portions of the EEZ from EFH designation. However, the best scientific information available was insufficient to support refinement. They chose, therefore, to identify and describe the entire EEZ as EFH for Pacific salmon. The Pacific Council adopted relatively broad EFH descriptions because of the wide ranging life history strategy, the number of species involved, and the limited information on marine distribution.

EFH for Chinook, Coho, and Pink Salmon

Table 1 to part 660, subpart H lists those hydrologic units which are identified as EFH for Chinook, coho, and pink salmon. Table 1 also includes, where appropriate, the names of impassible barriers that represent the upstream extent of Pacific salmon distribution.

To assist Federal agencies and the public, the following three figures depict those 4th field USGS Hydrologic Unit Codes (HUCs) that contain EFH for Pacific salmon. Figure 1 shows HUCs and marine waters that contain EFH for Chinook salmon in Washington, Oregon, California, and Idaho. Figure 2 shows HUCs and marine waters that contain EFH for coho salmon in Washington, Oregon, California, and Idaho. Figure 3 shows HUCs and marine waters that contain EFH for pink salmon in Washington.

Figure 1: Fourth field HUCs and adjacent EEZ with designated EFH for Chinook salmon in Washington, Oregon, California, and Idaho.

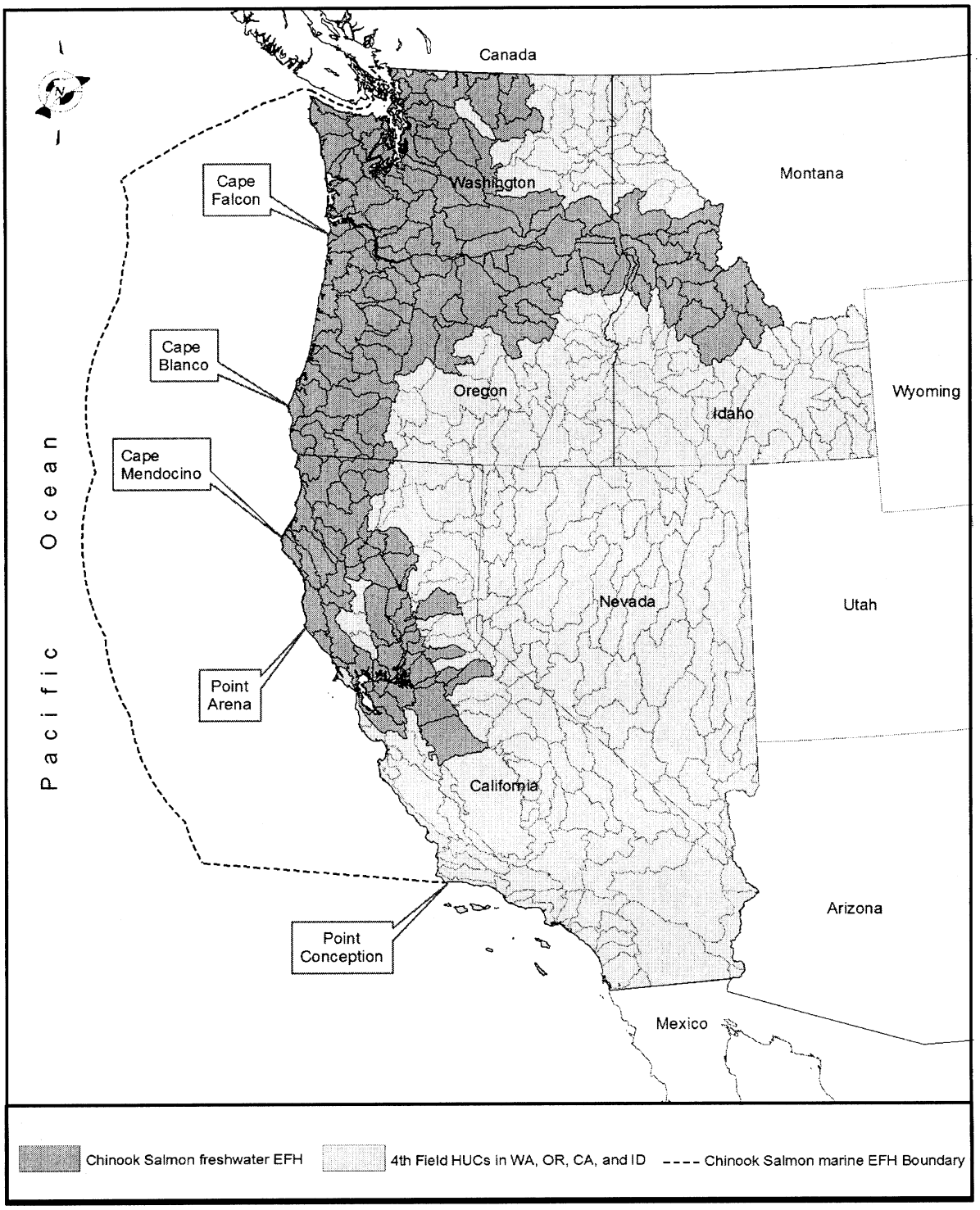


Figure 2: Fourth field HUCs and adjacent EEZ with designated EFH for coho salmon in Washington, Oregon, California, and Idaho.

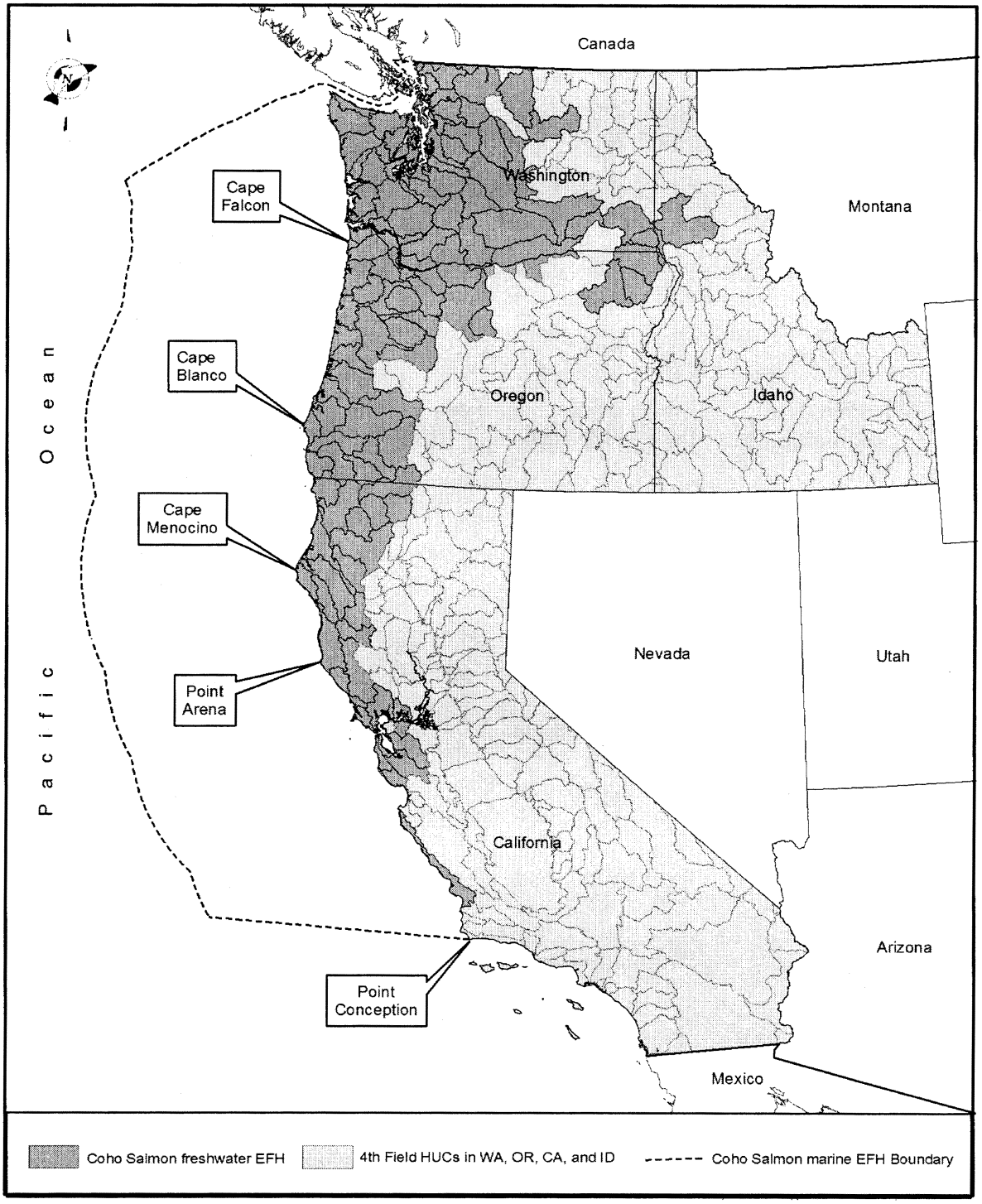
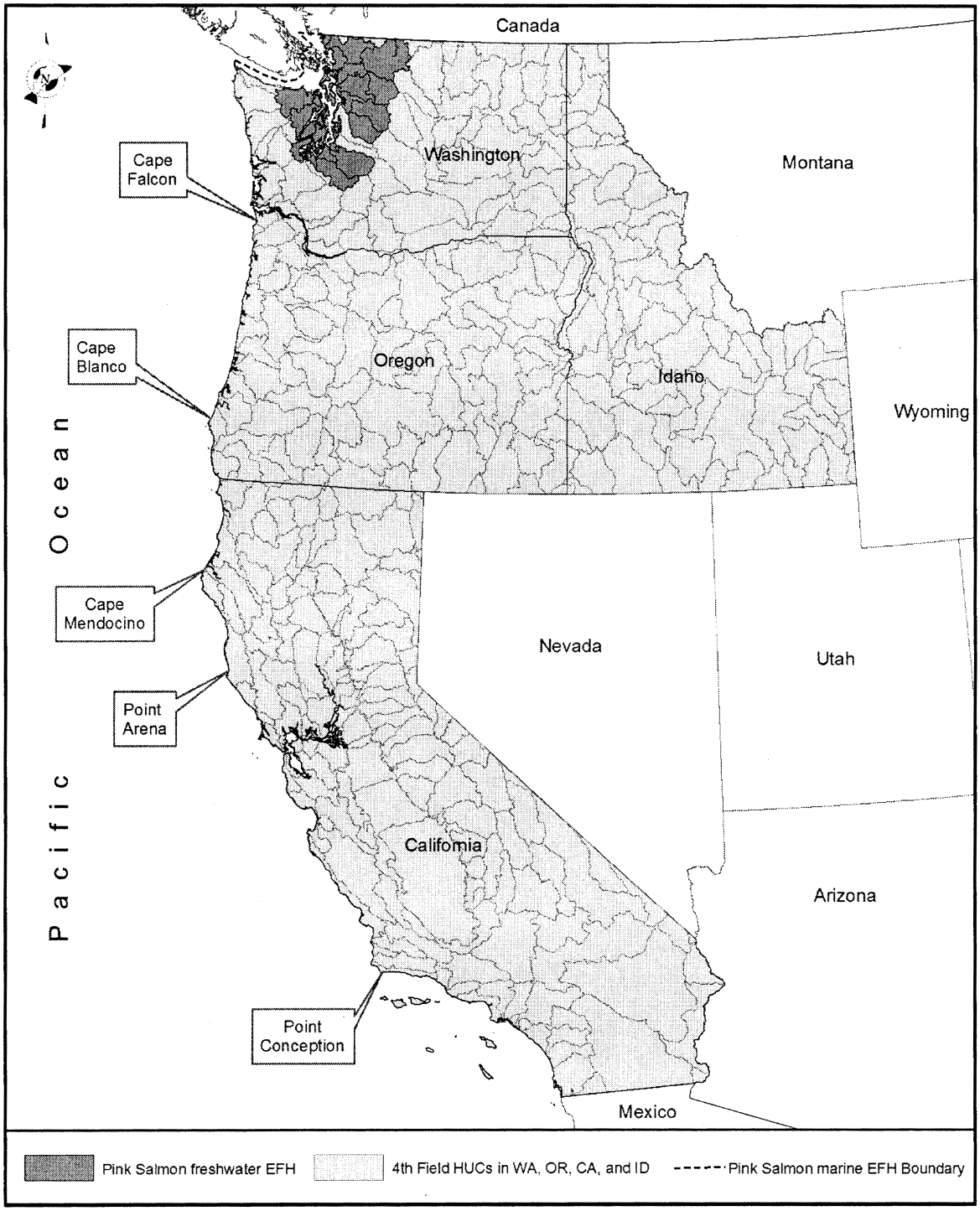


Figure 3: Fourth field HUCs and adjacent EEZ with designated EFH for pink salmon in Washington.



EFH in Alaskan Marine Waters

In identifying and describing EFH for Pacific salmon in Amendment 14, the Pacific Council included those areas that have been identified and described as marine EFH for Pacific salmon by the North Pacific Fishery Management Council (North Pacific Council). While the task of identifying and describing EFH in Alaskan waters is the responsibility of the North Pacific Council, the Pacific Council chose to include the reference to Alaskan EFH in Amendment 14 to the Salmon FMP in order to emphasize the relationship within the Pacific Coast ecosystem used by Pacific salmon during their adult migrations. This proposed rule, however, only codifies EFH for Pacific salmon that is within the jurisdiction of the Pacific Council, and does not codify EFH identified and described by the North Pacific Council for Pacific salmon

that is found in Alaskan waters under the North Pacific Council's jurisdiction.

Effects of Identifying and Describing EFH

Once EFH is identified and described, the Magnuson-Stevens Act requires that each FMP minimize to the extent practicable adverse effects to EFH. Adverse effects are broadly divided into effects from fishing and nonfishing activities. For impacts to EFH caused by fishing activities, each FMP must consider measures to minimize adverse effects on EFH, including EFH identified and described under other Federal FMPs. These measures may include equipment restrictions, time/area closures, or harvest limits.

In addition, the Magnuson-Stevens Act requires any Federal agency that determines that its action may adversely affect EFH to consult with NMFS. Section 305(b)(2) of the Magnuson-Stevens Act defines a Federal action as ''any action authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken, by such agency that may adversely affect any essential fish habitat identified under this Act.'' The consultation process is fully described in the EFH regulations at 50 CFR 600.920. In order for NMFS to conduct this consultation the Federal action agency provides an EFH assessment commensurate with the complexity and magnitude of the potential adverse effects of the action.

After receiving a request for consultation and accompanying EFH assessment, NMFS must develop Conservation Recommendations for those actions that would adversely affect EFH, aimed at the need to avoid, minimize, mitigate, or offset adverse effects of the proposed action. NMFS must also provide Conservation Recommendations for those Federal and state actions that would adversely affect EFH in situations where consultation has not been requested. Upon receiving the recommended conservation measures, the Federal action agency must provide a detailed written response within 30 days, indicating the proposed measures to avoid or minimize adverse impacts on EFH. If the response is inconsistent with NMFS Conservation Recommendations, the Federal agency must explain its reasons for not following the recommendations, including the scientific justification for any disagreements with NMFS over the anticipated effects of the action and the measures needed to avoid, minimize, mitigate, or offset such effects.

Distinction Between EFH and Critical Habitat

EFH responsibilities under the Magnuson-Stevens Act should not be confused with the mandate to designate critical habitat under the ESA. Congress enacted these two statutes with very different purposes in mind. One of the purposes of the Magnuson-Stevens Act is to promote domestic commercial and recreational fisheries. In amending the Magnuson-Stevens Act, Congress found that:

> [o]ne of the greatest long-term threats to the viability of commercial and recreational fisheries is the continuing loss of marine, estuarine, and other aquatic habitats. Habitat considerations should receive increased attention for the conservation and management of fishery resources of the United States. 16 U.S.C 1801(a)(9).

Under the Magnuson-Stevens Act, Congress established the mandate to identify and describe EFH in order to support the habitat needs of federally managed fish stocks to aid in ensuring long-term sustainable fisheries.

The definition of EFH within the Magnuson-Stevens Act, as well as the EFH implementing regulations (EFH Final Rule), establishes a basis for broader geographic areas to be identified and described as EFH, compared with those areas designated as critical habitat. The Magnuson-Stevens Act defines EFH as ''those areas necessary to fish for spawning, breeding, feeding, or growth to maturity.'' 16 U.S.C. 1802(10). The EFH Final Rule provides a mechanism for aiding the fishery management councils in determining the extent of EFH for the managed species. While the EFH Final Rule emphasizes that EFH should be distinguished from all habitats potentially used by the managed species, it also states that ''[a]reas described as EFH will normally be greater than or equal to aquatic areas that have been identified as 'critical habitat' for any managed species listed as threatened or endangered under the [ESA].'' 50 CFR 600.815(a)(1)(iv)(D). In addition, the EFH Final Rule provides the opportunity to increase the size of the area identified as EFH to include historic and/or degraded habitats where habitat loss may be contributing to reduced yield of the managed species.

In contrast, the ESA was enacted ''to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved'' and ''to provide a program for the conservation of such endangered species and threatened species.'' 16 U.S.C. 1531(b). The ESA specifically articulates that:

> the term 'critical habitat' for a threatened or endangered species means -
>
> 1. the specific areas within the geographic area occupied by the species at the time it is listed . . . on which are found those physical or biological features essential to the conservation of the species and . . . which may require special management considerations and protections; and
>
> 2. specific areas outside the geographic area occupied by the species at the time it is listed . . . upon a determination by the Secretary that such areas are essential for the conservation of the species. 16 U.S.C. 1532(5)(A).

The definition of critical habitat in the ESA also indicates that ''except in those situations determined by the Secretary, critical habitat shall not include the entire geographic area which can be occupied by the threatened or endangered species.'' 16 U.S.C. 1532(5)(C). While the ESA's implementing regulations regarding critical habitat set forth procedures for designating areas outside the current area occupied by the species, unlike EFH in the Magnuson-Stevens Act, the ESA regulations also allow the agency to exclude certain areas from critical habitat, or not designate at all, in certain situations.

When the geographic locations of EFH and critical habitat overlap, the individual consultation requirements under the ESA and the Magnuson-Stevens Act both apply. If a Federal agency determines that its action may adversely affect EFH and may affect critical habitat, it must consult with NMFS under the ESA and Magnuson-Stevens Act. In these circumstances, NMFS will generally merge the consultations into one response package, whenever possible, to maximize efficiency.

Classification

This proposed rule is published under the authority of the Magnuson-Stevens Act, 16 U.S.C. 1801 *et seq.*

The NMFS Northwest Region completed an ESA section 7 consultation on November 18, 1999, on the effects of Amendment 14 on listed salmon evolutionarily significant units. Amendment 14 does not by itself authorize any fishing or other activity that would result in adverse effects to listed fish or designated critical habitat. Based on this and other considerations, NMFS concluded that Amendment 14 and its implementing regulations are not likely to adversely affect listed salmon or their critical habitat. This proposed rule is consistent with the determination in Amendment 14 that the action does not jeopardize the continued existence of ESA listed salmon.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities, as follows:

The objective of this rule is to codify essential fish habitat (EFH) descriptions and identifications that were previously approved by the Secretary of Commerce (Secretary)for Amendment 14 to the Pacific Salmon Fishery Management Plan. EFH descriptions and identifications are required under the Magnuson Fisheries Conservation and Management Act (16 U.S.C. 1802(b)(7). All vessels harvesting salmon from this fishery are considered small under the Small Business Act approved definition of a small fish harvester (average gross receipts not in excess of $4.0 million). Therefore, there can be no disproportionate impacts between small and large vessels. Furthermore, there are no disproportionate impacts based on homeport, gear type, or vessel size from the promulgation of this proposed rule. In 2004, there were 3,008 permits issued for this fishery, with a total exvessel value of $28,961,275. Of the 3,008 permits, only 910 actually landed salmon. There were 1508 vessel permits issued in California, 738 of which landed salmon, for an exvessel value of $17,883,216. There were 1,181 vessel permits issued in Oregon, 595 of which landed salmon, for an exvessel value of $9,893,065. There were 160 vessel permits issued in Washington, 86 of which landed salmon, for an exvessel value of $1,184,994. This rule would not result in any immediate impacts on revenues or costs for the small entities participating in the Pacific salmon fishery because it does not contain any new management measures that would have specific economic impact on the fishery. However, future rulemakings that are promulgated by NMFS on behalf of the Secretary may be based in part on the identification and description of the EFH and such actions would likely have specific measurable impacts on the small entities participating in the fishery.

As a result, an initial regulatory flexibility analysis is not required and none has been prepared. NMFS will conduct the appropriate analyses for any subsequent rulemakings stemming from this proposed rule.

This proposed rule is not significant for the purposes of Executive Order 12866 (Supplemental Regulatory Impact Review to Amendment 14 to the Pacific Salmon Fishery Management Plan was prepared, see **ADDRESSES**).

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, Fisheries, Fishing, Incorporation by reference, Reporting and recordkeeping requirements.

Dated: April 12, 2007.

Samuel D. Rauch III,

Deputy Assistant Administrator For Regulatory Programs, National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 660 as follows:

PART 660—FISHERIES OFF WEST COAST STATES

1. The authority citation for part 660 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 660.412 is added under subpart H to read as follows:

§ 660.412 EFH identifications and descriptions for Pacific salmon.

Pacific salmon essential fish habitat (EFH) includes all those water bodies occupied or historically accessible in Washington, Oregon, Idaho, and California in hydrologic units identified in Table 1 of this subpart. Exceptions include cases in which man-made barriers (dams) identified in Table 1 of this subpart represent the upstream extent of Pacific salmon access. EFH also includes the EEZ (from zero to 200 miles) off the coasts of California, Oregon, and Washington State.

(a) Chinook salmon (*Oncorhynchus tshawytscha*) EFH includes all streams, estuaries, marine waters, and other water bodies occupied or historically accessible to Chinook salmon in Washington, Oregon, Idaho, and California, in hydrologic units identified in Table 1 of this subpart. Exceptions include cases in which man-made barriers (dams) identified in Table 1 of this subpart represent the upstream extent of Pacific salmon access. EFH also includes the EEZ (from zero to 200 miles) off the coasts of Washington, Oregon, and California north of Point Conception.

(b) Coho salmon (*Oncorhynchus kisutch*) EFH includes all streams, estuaries, marine waters, and other water bodies occupied or historically accessible to coho in Washington, Oregon, Idaho, and California, in hydrologic units identified in Table 1 of this subpart. Exceptions include cases in which man-made barriers (dams) identified in Table 1 of this subpart represent the upstream extent of Pacific salmon access. EFH also includes the EEZ (from zero to 200 miles) off the coasts Washington, Oregon, and California north of Point Conception.

(c) Pink salmon (*Oncorhynchus gorbuscha*) EFH includes all streams, estuaries, marine waters, and other water bodies occupied or historically accessible to pink salmon within Washington State, in hydrologic units identified in Table 1 of this subpart. Exceptions include cases in which man-made barriers (dams) identified in Table 1 of this subpart represent the upstream extent of Pacific salmon access. EFH also includes waters north and east of Cape Flattery, Washington, including Puget Sound, the Strait of Juan de Fuca and the Strait of Georgia.

3. Table 1 to part 660, subpart H is added to read as follows:

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
17110001	WA	Fraser (Whatcom)	Coho salmon	n/a
17110002	WA	Strait of Georgia	Chinook, coho, and pink salmon	n/a
17110003	WA	San Juan Islands	Chinook, coho, and pink salmon	n/a
17110004	WA	Nooksack River	Chinook, coho, and pink salmon	n/a
17110005	WA	Upper Skagit	Chinook, coho, and pink salmon	Gorge Lake Dam

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
17110006	WA	Sauk River	Chinook, coho, and pink salmon	n/a
17110007	WA	Lower Skagit River	Chinook, coho, and pink salmon	n/a
17110008	WA	Stillaguamish River	Chinook, coho, and pink salmon	n/a
17110009	WA	Skykomish River	Chinook, coho, and pink salmon	n/a
17110010	WA	Snoqualmie	Chinook, coho, and pink salmon	Tolt Dam (S. Fork Tolt R.)
17110011	WA	Snohomish River	Chinook, coho, and pink salmon	n/a
17110012	WA	Lake Washington	Chinook and coho salmon	Cedar Falls (Masonry) Dam (Cedar R.)
17110013	WA	Duwamish River	Chinook and coho salmon	n/a
17110014	WA	Puyallup River	Chinook, coho, and pink salmon	n/a
17110015	WA	Nisqually River	Chinook, coho, and pink salmon	n/a
17110016	WA	Deschutes River	Chinook and coho salmon	n/a
17110017	WA	Skokomish River	Chinook and coho salmon	n/a
17110018	WA	Hood Canal	Chinook, coho, and pink salmon	n/a
17110019	WA	Puget Sound	Chinook, coho, and pink salmon	n/a
17110020	WA	Dungeness - Elwha	Chinook, coho, and pink salmon	n/a
17110021	WA	Hoko - Crescent	Chinook and coho salmon	n/a
17100101	WA	Hoh Quillayute	Chinook and coho salmon	n/a
17100102	WA	Queets - Quinault	Chinook and coho salmon	n/a
17100103	WA	Upper Chehalis River	Chinook and coho salmon	n/a
17100104	WA	Lower Chehalis River	Chinook and coho salmon	n/a
17100105	WA	Grays Harbor	Chinook and coho salmon	n/a
17100106	WA	Willapa Bay	Chinook and coho salmon	n/a
17080001	OR/WA	Lower Columbia Sandy River	Chinook and coho salmon	Bull Run Project (Sandy R., Little Sandy R., Bull Run R.)
17080002	WA	Lewis River	Chinook and coho salmon	n/a
17080003	OR/WA	Lower Columbia - Clatskanie River	Chinook and coho salmon	n/a
17080004	WA	Upper Cowlitz River	Chinook and coho salmon	n/a
17080005	WA	Lower Cowlitz River	Chinook and coho salmon	n/a
17080006	OR/WA	Lower Columbia	Chinook and coho salmon	n/a

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
17090001	OR	Middle Fork Willamette River	Chinook salmon	Dexter Dam
17090002	OR	Coast Fork Willamette River	Chinook salmon	Dorena Dam
17090003	OR	Upper Willamette River	Chinook and coho salmon	n/a
17090004	OR	McKenzie River	Chinook and coho salmon	Cougar Dam
17090005	OR	N. Santiam River	Chinook and coho salmon	Big Cliff Dam
17090006	OR	S. Santiam River	Chinook and coho salmon	n/a
17090007	OR	Mid. Willamette River	Chinook and coho salmon	n/a
17090008	OR	Yamhill River	Chinook and coho salmon	n/a
17090009	OR	Molalla - Pudding River	Chinook and coho salmon	n/a
17090010	OR	Tualatin River	Chinook and coho salmon	n/a
17090011	OR	Clackamas River	Chinook and coho salmon	Oak Grove Dam
17090012	OR	Lower Willamette River	Chinook and coho salmon	n/a
17070101	OR/WA	Mid. Columbia - Lake Wallula	Chinook and coho salmon	n/a
17070102	OR/WA	Walla Walla River	Chinook salmon	n/a
17070103	OR	Umatilla River	Chinook salmon	n/a
17070104	OR	Willow	Chinook salmon	n/a
17070105	OR/WA	Mid. Columbia - Hood	Chinook and coho salmon	n/a
17070106	WA	Klickitat River	Chinook and coho salmon	n/a
17070301	OR	Upper Deschutes River	Chinook salmon	n/a
17070305	OR	Lower Crooked River	Chinook salmon	Opal Springs Dam
17070306	OR	Lower Deschutes River	Chinook and coho salmon	n/a
17070307	OR	Trout Creek	Chinook and coho salmon	n/a
17070201	OR	Upper John Day River	Chinook salmon	n/a
17070202	OR	North Fork John Day River	Chinook salmon	n/a
17070203	OR	Middle Fork John Day River	Chinook salmon	n/a
17070204	OR	Lower John Day River	Chinook salmon	n/a
17030001	WA	Upper Yakima River	Chinook and coho salmon	Keechelus Dam Kachess Dam (Kachess R.) Cle Elum Dam (Cle Elum R.)
17030002	WA	Naches River	Chinook and coho salmon	Rimrock Dam (Tieton R.)
17030003	WA	Lower Yakima River	Chinook and coho salmon	n/a
17020005	WA	Columbia River	Chinook and coho salmon	Chief Joseph Dam
17020006	WA	Okanogan River	Chinook salmon	n/a
17020007	WA	Similkameen	Chinook salmon	n/a
17020008	WA	Methow River	Chinook and coho salmon	n/a

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
17020010	WA	Upper Columbia - Entiat River	Chinook and coho salmon	n/a
17020011	WA	Wenatchee River	Chinook and coho salmon	n/a
17020016	WA	Upper Columbia - Priest Rapids	Chinook and coho salmon	n/a
17060101	OR/ID	Hells Canyon	Chinook salmon	Hells Canyon Complex (Hells Canyon, Oxbow, and Brownlee Dams)
17060102	OR	Imnaha River	Chinook salmon	n/a
17060103	OR/WA/ID	Lower Snake - Asotin Creek	Chinook and coho salmon	n/a
17060104	OR	Upper Grande Ronde	Chinook and coho salmon	n/a
17060105	OR	Wallowa River	Chinook and coho salmon	n/a
17060106	OR/WA	Lower Grande Ronde	Chinook and coho salmon	n/a
17060107	OR	Lower Snake - Tucannon River	Chinook and coho salmon	n/a
17060110	OR	Lower Snake River	Chinook and coho salmon	n/a
17060201	ID	Upper Salmon River	Chinook salmon	n/a
17060202	ID	Pahsimeroi River	Chinook salmon	n/a
17060203	ID	Mid. Salmon - Panther River	Chinook salmon	n/a
17060204	ID	Lemhi River	Chinook salmon	n/a
17060205	ID	Upper Middle Fork Salmon River	Chinook salmon	n/a
17060206	ID	Lower Middle Fork Salmon River	Chinook salmon	n/a
17060207	ID	Mid. Salmon - Chamberlain	Chinook salmon	n/a
17060208	ID	S.F. Salmon River	Chinook salmon	n/a
17060209	ID	Lower Salmon River	Chinook salmon	n/a
17060210	ID	Little Salmon River	Chinook salmon	n/a
17060301	ID	Upper Selway River	Chinook salmon	n/a
17060302	ID	Lower Selway River	Chinook salmon	n/a
17060303	ID	Lochsa River	Chinook salmon	n/a
17060304	ID	M.F. Clearwater River	Chinook salmon	n/a
17060305	ID	S.F. Clearwater River	Chinook salmon	n/a
17060306	WA/ID	Clearwater River	Chinook and coho salmon	Dworshak Dam (at border of HUCs 17060306 and 17060308)
17100201	OR	Necanicum River	Chinook and coho salmon	n/a
17100202	OR	Nehalem River	Chinook and coho salmon	n/a
17100203	OR	Wilson - Trask - Nestucca	Chinook and coho salmon	n/a
17100204	OR	Siletz Yaquina River	Chinook and coho salmon	n/a

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
17100205	OR	Alsea River	Chinook and coho salmon	n/a
17100206	OR	Siuslaw River	Chinook and coho salmon	n/a
17100207	OR	Siltcoos River	Chinook and coho salmon	n/a
17100301	OR	N. Umpqua River	Chinook and coho salmon	Soda Springs Dam
17100302	OR	S. Umpqua River	Chinook and coho salmon	n/a
17100303	OR	Umpqua River	Chinook and coho salmon	n/a
17100304	OR	Coos River	Chinook and coho salmon	n/a
17100305	OR	Coquille River	Chinook and coho salmon	n/a
17100306	OR	Sixes River	Chinook and coho salmon	n/a
17100307	OR	Upper Rogue River	Chinook and coho salmon	Lost Creek Dam
17100308	OR	Middle Rogue River	Chinook and coho salmon	n/a
17100309	CA/OR	Applegate River	Chinook and coho salmon	Applegate Dam
17100310	OR	Lower Rogue River	Chinook and coho salmon	n/a
17100311	CA/OR	Illinois River	Chinook and coho salmon	n/a
17100312	CA/OR	Chetco River	Chinook and coho salmon	n/a
18010101	CA/OR	Smith River	Chinook and coho salmon	n/a
18010206	CA/OR	Upper Klamath River	Chinook and coho salmon	Iron Gate Dam
18010207	CA	Shasta River	Chinook and coho salmon	n/a
18010208	CA	Scott River	Chinook and coho salmon	n/a
18010209	CA/OR	Lower Klamath River	Chinook and coho salmon	n/a
18010210	CA	Salmon River	Chinook and coho salmon	n/a
18010211	CA	Trinity River	Chinook and coho salmon	Lewiston Dam
18010212	CA	S.F. Trinity River	Chinook and coho salmon	n/a
18010102	CA	Mad Redwood	Chinook and coho salmon	Robert W. Matthews Dam
18010103	CA	Upper Eel River	Chinook and coho salmon	Scott Dam
18010104	CA	Middle Fork Eel River	Chinook and coho salmon	n/a
18010105	CA	Lower Eel River	Chinook and coho salmon	n/a
18010106	CA	South Fork Eel River	Chinook and coho salmon	n/a
18010107	CA	Mattole River	Chinook and coho salmon	n/a
18010108	CA	Big-Navarro-Garcia	Chinook and coho salmon	n/a
18010109	CA	Gualala - Salmon Creek	Chinook and coho salmon	n/a
18010110	CA	Russian River	Chinook and coho salmon	Coyote Valley Dam (E. Fork Russian R.) Warm Springs Dam (Dry Cr.)
18010111	CA	Bodega Bay	Chinook and coho salmon	n/a
18060001	CA	San Lorenzo Soquel	Coho salmon	Newell Dam (Newell Cr.)

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
18060006	CA	Central Coastal	Coho salmon	n/a
18050001	CA	Suisun Bay	Chinook and coho salmon	n/a
18050002	CA	San Pablo Bay	Chinook and coho salmon	San Pablo Dam (San Pablo Cr.)
18050003	CA	Coyote Creek	Chinook and coho salmon	LeRoy Anderson Dam
18050004	CA	San Francisco Bay	Chinook and coho salmon	n/a
18050005	CA	Tomales-Drakes Bay	Coho salmon	Nicasio Dam (Nicasio Cr.) Peters Dam (Lagunitas Cr.)
18050006	CA	San Francisco-Coastal South	Coho salmon	n/a
18020101	CA	Sac.-Lower Cow-Lower Clear	Chinook salmon	n/a
18020102	CA	Lower Cottonwood Creek	Chinook salmon	n/a
18020103	CA	Sacramento - Lower Thomes	Chinook salmon	n/a
18020104	CA	Sacramento - Stone Corral	Chinook salmon	n/a
18020105	CA	Lower Butte Creek	Chinook salmon	n/a
18020106	CA	Lower Feather River	Chinook salmon	n/a
18020107	CA	Lower Yuba River	Chinook salmon	n/a
18020108	CA	Lower Bear River	Chinook salmon	n/a
18020109	CA	Lower Sacramento River	Chinook salmon	n/a
18020110	CA	Lower Cache	Chinook salmon	n/a
18020111	CA	Lower American River	Chinook salmon	Nimbus Dam
18020112	CA	Sacramento-Upper Clear	Chinook salmon	Keswick Dam (Sacramento R.) Whiskeytown Dam (Clear Cr.)
18020113	CA	Cottonwood Headwaters	Chinook salmon	n/a
18020114	CA	Elder Creek	Chinook salmon	n/a
p	CA	River	Chinook salmon	n/a
18020118	CA	Upper Cow - Battle Creek	Chinook salmon	n/a
18020119	CA	Mill - Big Chico	Chinook salmon	n/a
18020120	CA	Upper Butte Creek	Chinook salmon	n/a
18020125	CA	Upper Yuba	Chinook salmon	n/a
18040001	CA	Mid. San Joaquin- L. Cowchilla	Chinook salmon	n/a
18040002	CA	Mid. San Joaquin- L. Merced- L. Stanislaus	Chinook salmon	La Grange Dam (Tuolumne R.)
18040003	CA	San Joaquin Delta	Chinook salmon	n/a
18040004	CA	L. Calaveras - Mormon Slough	Chinook salmon	n/a

TABLE 1 TO PART 660, SUBPART H—PACIFIC SALMON EFH IDENTIFIED BY USGS HYDROLOGIC UNIT CODE (HUC)—Continued

USGS HUC[1]	State(s)	Hydrologic Unit Name	Salmon Species	Impassible Man-made Barrier (if present)
18040005	CA	L. Consumnes- L. Mokelumne	Chinook salmon	Comanche Dam
18040010	CA	Upper Stanislaus	Chinook salmon	Goodwin Dam
18040011	CA	Upper Calveras	Chinook salmon	New Hogan Dam
18040013	CA	Upper Cosumnes	Chinook salmon	n/a

[1] To clearly identify watersheds that contain EFH, NMFS uses fourth field hydrologic unit codes (HUCs) developed by the U.S. Geological Survey (USGS) (defined in the Department of the Interior, USGS publication; Hydrologic Unit Maps, Water Supply Paper 2294, 1987). The geographic extent of HUCs range from first field (largest geographic extent) to sixth field (smallest geographic extent). Fourth field HUCs divide the landscape into distinct geographic areas that are identified by eight numbers unique to that hydrologic unit.

[FR Doc. 07–1946 Filed 4–19–07; 8:45 am]

BILLING CODE 3510–22–S