reexportation of plants listed as endangered or threatened under the Act or listed under CITES.

The regulations contained in 50 CFR part 24, "Importation and Exportation of Plants," are for the purpose of establishing ports for the importation, exportation, and reexportation of plants. Section 24.12(e) of the regulations contains a list of USDA ports that are, for the purposes of the Act and CITES, designated ports for the importation, exportation, and reexportation of plants that are not listed as endangered or threatened under the Act and/or not listed under CITES. (The USDA regulations in 7 CFR 319.37 contain additional prohibitions and restrictions governing the importation of plants through these ports.) Plants that are listed as endangered or threatened in 50 CFR 17.12 or are listed in the appendices to CITES in 50 CFR 23.23 are required to be accompanied by documentation and may be imported, exported, or reexported only at one of the USDA ports listed in § 24.12(a) of the regulations.

After consultations with the USDA, the United States Fish and Wildlife Service (the Service) determined that the USDA's Orlando, Florida, port of entry possesses adequate facilities and personnel to carry out enforcement activities related to the Act and CITES. Additionally, the Service determined that the location of the Orlando facility coincides with established patterns of plant trade. Accordingly, in a July 9, 1993, Federal Register notice (58 FR 36925), the Service proposed that the USDA port at Orlando, Florida, be added to the lists of USDA ports in 50 CFR 24.12, paragraphs (a) and (e).

Comments Submitted

The Service's July 9, 1993, notice invited the submission of written comments regarding the proposal for a 60-day comment period ending on September 7, 1993. No comments were received by that date.

Requests for Public Hearing

Section 9(f)(1) of the Act provides that any person may request an opportunity to comment at a public hearing before the Secretary of the Interior confers designated port status on any port. Accordingly, the Service's July 9, 1993, notice invited public hearing requests, which were required to be received by the Service on or before August 23, 1993. No such requests were received.

Therefore, based on the rationale set forth in the proposed rule, the Service is adopting the provisions of the proposal as a final rule without change.

Effective Date

The effect of this rule is to grant an exemption from 16 U.S.C. 1538(f), which generally prohibits importation of wildlife and plants except at such ports as may be designated. Accordingly, it may be given immediate effect under 5 U.S.C. 553(d)(1), which permits a rule that "grants or recognizes an exemption or relieves a restriction" to be given immediate effect.

Executive Order 12866 and Regulatory Flexibility Act

This rule was not subject to OMB review under Executive Order 12866. The addition of Orlando, Florida, as a designated port will facilitate the importation, exportation, and reexportation of plants listed as threatened or endangered under the Act or listed under CITES, as well as other terrestrial plants. The Service believes the addition of this port will have a postive, albeit limited, economic impact.

The volume of traffic currently handled by the designated ports in Florida indicates that the port will be utilized for the importation, exportation, or reexportation of plants. The USDA has informed the Service that it estimates that 20 or more commercial exporters/importers, many of them small entities, will use this facility on a regular basis. The USDA also projects that commercial importers based in the northern Florida area will realize at least a small savings in transportation costs as a result of the opening of the Orlando facility. The primary impact, however, will be the increased convenience of having an additional port in Florida through which plants may be imported, exported, or reexported.

Under these circumstances, the Service has determined that this action will not have a significant economic impact on a substantial number of small entities, as described in the Regulatory Flexibility Act.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12778

This final rule has been reviewed under Executive Order 12778, Civil Justice Reform. The Office of the Solicitor has determined that the requirements of Executive Order 12778 have been satisfied.

National Environmental Policy Act

The Service has determined that this final rule adding a designated port under authority of the Endangered Species Act of 1973 for the importation, exportation, and reexportation of plants is not a major Federal action which will significantly affect the quality of the human environment within the meaning of section 102(2)(C) of the National Environmental Policy Act of 1969.

Paperwork Reduction Act

This final rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 50 CFR Part 24

Import, Export, Endangered and threatened plants, Treaties (Agriculture).

Accordingly, we are amending 50 CFR part 24 as follows:

PART 24—IMPORTATION AND EXPORTATION OF PLANTS

1. The authority citation for part 24 continues to read as follows:

Authority: Secs. 9(f)(1), 11(f), Pub. L. 93-205, 87 Stat. 893, 897 (16 U.S.C. 1538(f)(1), 1540(f)).

§ 24.12 [Amended]

2. Section 24.12(a) is amended by adding "Orlando, Florida" immediately under "Miami, Florida".

3. Section 24.12(e) is amended by adding "Orlando, Florida" immediately under "Miami, Florida".

Dated: November 16, 1993.

Bruce Blanchard,

Deputy Director, Fish and Wildlife Service.

[FR Doc. 93-31568 Filed 12-27-93; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 920783-3285; I.D. 062992E]

Designated Critical Habitat; Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon

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

ACTION: Final rule.

SUMMARY: NMFS is designating critical habitat for the Snake River sockeye salmon (*Oncorhynchus nerka*), Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and Snake River fall chinook salmon pursuant to the Endangered Species Act (ESA). The designated habitat for Snake River sockeye salmon consists of river reaches of the Columbia, Snake, and Salmon Rivers, Alturas Lake Creek, Valley Creek, and Stanley, Redfish, Yellow Belly, Pettit, and Alturas Lakes (including their inlet and outlet creeks). The designated habitat for Snake River spring/summer chinook salmon consists of river reaches of the Columbia, Snake, and Salmon Rivers, and all tributaries of the Snake and Salmon rivers (except the Clearwater River) presently or historically accessible to Snake River spring/summer chinook salmon (except reaches above impassable natural falls and Hells Canyon Dam). The designated habitat for Snake River fall chinook salmon consists of river reaches of the Columbia, Snake, and Salmon Rivers, and all tributaries of the Snake and Salmon Rivers presently or historically accessible to Snake River fall chinook salmon (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams). Maps are available on request (see ADDRESSES). The critical habitat designation identifies those physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection. The economic and other impacts resulting from this critical habitat designation, over and above those arising from the listing of the species under the ESA, are expected to be minimal. The designation of critical habitat provides explicit notice to Federal agencies and the public that these areas and features are vital to the conservation of the species. In addition, the designation assists Federal agencies in carrying out their responsibility to ensure that agency actions will not result in destruction or adverse modification of critical habitat.

EFFECTIVE DATE: January 27, 1994. The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of January 27, 1994.

ADDRESSES: Requests for maps should be addressed to NMFS, Endangered Species Branch, Environmental and Technical Services Division, 911 NE. 11th Avenue, room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffen, NMFS, Endangered Species Branch, Environmental and Technical Services Division, 911 NE. 11th Avenue, room 620, Portland, OR 97232, telephone (503) 230–5430, or Marta Nammack, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, telephone (301) 713–2322.

SUPPLEMENTARY INFORMATION:

Background

NMFS published its determination to list the Snake River sockeye salmon as endangered on November 20, 1991 (56 FR 58619), and Snake River spring/summer chinook salmon and fall chinook salmon as threatened on April 22, 1992 (57 FR 14653), under the ESA (16 U.S.C. 1531 *et seq.*). Section 4(a)(3)(A) of the ESA requires that, to the maximum extent prudent and determinable, NMFS designate critical habitat concurrently with a determination that a species is endangered or threatened. At the time of the proposed listing determinations, critical habitat was not determinable because information necessary to perform the required analyses was not available.

NMFS published a **Federal Register** notice (October 15, 1991, 56 FR 51684) requesting biological and economic information related to designation of critical habitat for Snake River sockeye salmon, Snake River spring/summer chinook salmon, and Snake River fall chinook salmon. NMFS also convened a Biological Technical Committee and an Economic Technical Committee, comprised of interested experts throughout the Pacific Northwest, to assure that available information on which to base any critical habitat determination is both accurate and complete. NMFS has considered all available scientific and economic information in making this determination.

On December 2, 1992 (57 FR 57051), NMFS published a proposed rule to designate critical habitat for Snake River sockeye salmon, Snake River spring/summer chinook salmon, and Snake River fall chinook salmon. The preamble to the proposed rule describes the procedures and criteria used to designate critical habitat. On February 5, 1993 (58 FR 7206), NMFS published a notice extending the 60-day comment period by an additional 30 days. Washington Sea Grant completed an economic impact assessment for NMFS that focused on identifying the economic consequences (costs and benefits) of implementing alternative management strategies for the listed species ("Economic Effects of Management Measures Within the Range of Potential Critical Habitat for Snake River Endangered and Threatened Salmon Species", Huppert et al., 1992). In addition, NMFS prepared an environmental assessment (EA), pursuant to the National Environmental Policy Act (NEPA), to evaluate both the environmental and economic impacts of the proposed critical habitat designations.

NMFS is designating critical habitat for the Snake River sockeye salmon, Snake River spring/summer chinook salmon, and Snake River fall chinook salmon as described in the proposed rule with modifications and clarifications suggested through the public review process.

Essential Habitat of Snake River Sockeye Salmon, Spring/Summer Chinook Salmon, and Fall Chinook Salmon

Essential Snake River salmon habitat consists of four components: (1) Spawning and juvenile rearing areas; (2) juvenile migration corridors; (3) areas for growth and development to adulthood; and (4) adult migration corridors. The Pacific Ocean areas used by listed salmon for growth and development to adulthood are not well understood, and essential areas and features have not been identified. Snake River sockeye salmon spawning and rearing is currently limited to Redfish Lake. Other historical nursery areas that are essential to the conservation of the species include Alturas, Pettit, Stanley, and Yellow Belly Lakes (including their inlet creeks). Essential features of these areas include adequate: (1) Spawning gravel; (2) water quality; (3) water quantity; (4) water temperature; (5) food; (6) riparian vegetation; and (7) access. These fishes' juvenile migration corridors include these lakes' inlet and outlet creeks, Alturas Lake Creek, that portion of Valley Creek between Stanley Lake Creek and the Salmon River, the main fork of the Salmon River, the Snake River, and the Columbia River to the Pacific Ocean. Essential features of the juvenile migration corridors include adequate: (1) Substrate (2) water quality; (3) water quantity; (4) water temperature; (5) water velocity; (6) cover/shelter; (7) food; (8) riparian vegetation; (9) space; and (10) safe passage conditions. The adult migration corridors are the same areas included in juvenile migration corridors. Essential features would include those in the juvenile migration corridors, excluding adequate food.

Snake River spring/summer chinook salmon spawning and rearing is currently sparsely distributed

throughout the Grande Ronde, Imnaha, Salmon, and Tucannon subbasins, and Asotin, Granite, and Sheep Creeks. However, this critical habitat designation includes all river reaches presently or historically accessible to this species (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams). Essential features of spawning and juvenile rearing areas include adequate: (1) Spawning gravel; (2) water quality; (3) water quantity; (4) water temperature; (5) cover/shelter; (6) food; (7) riparian vegetation; and (8) space. These fishes' migration corridors are the spawning and juvenile rearing areas, plus the Snake River, and the Columbia River to the Pacific Ocean. Essential features of the juvenile and adult migration corridors are the same as those listed for Snake River sockeye salmon.

Snake River fall chinook salmon spawning and rearing is currently limited to the Snake River below Hells Canyon Dam, and within the Clearwater, Hells Canyon, Imnaha, Lower Grande Ronde, Lower North Fork Clearwater, Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, and Palouse hydrologic units. However, this critical habitat designation includes all river reaches presently or historically accessible to this species (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams). Essential features of spawning and juvenile rearing areas are the same as for Snake River Spring/summer chinook salmon. Juvenile and adult migration corridors are the same areas as spawning and juvenile rearing areas, plus the Columbia River to its mouth at the Pacific Ocean. Essential features of the juvenile and adult migration corridors are the same as those listed for Snake River sockeye salmon.

Need for Special Management Considerations or Protection

In order to assure that the essential areas and features are maintained or restored, special management may be needed. Activities that may require special management considerations for listed Snake River salmon spawning and juvenile rearing areas include, but are not limited to: (1) Artificial propagation; (2) land management; (3) timber harvest; (4) water polluting activities; (5) livestock grazing; (6) habitat restoration; (7) irrigation withdrawal; (8) mining; and (9) road construction. For juvenile and adult migration corridors, special management considerations also include: (10) Migration barriers; (11) hydroelectric power system operation; (12) water storage; (13) dredge and fill operations; (14) predator control; and (15) barge transportation of materials. Not all of these activities are necessarily of current concern; however, they indicate the potential type of activities that will require consultation in the future. For listed Snake River salmon in the ocean environment, no special management considerations of the ocean habitat have been identified.

Special considerations and protection for these and other habitat features will be evaluated during the section 7 consultation process and in the development and implementation of a recovery plan for listed Snake River salmon. If adequate protection cannot be provided through consultation or through the recovery planning process, separate management actions with binding requirements may be considered.

Activities That May Affect the Essential Habitat

A wide range of activities may affect the essential habitat requirements of listed Snake River salmon. These activities include pollutant discharge and water management actions of Federal agencies (i.e., Bonneville Power Administration (BPA), U.S. Army Corps of Engineers (ACE), U.S. Bureau of Reclamation (BOR), and the U.S. Environmental Protection Agency (EPA)) and related or similar actions of other Federally regulated projects in the Columbia River system (e.g., Federal Energy Regulatory Commission (FERC) regulation of the Hells Canyon complex); water regulation in the Snake River Basin by the BOR; livestock grazing allocations in the Snake River Basin by the U.S. Forest Service (FS) and U.S. Bureau of Land Management (BLM); timber harvest and related activities in the Snake River Basin conducted by the FS and BLM; agricultural activities funded or carried out by the DASCS; research/monitoring by FWS, BPA, and NMFS; and planting anadromous salmonids and other fishes in the Columbia River Basin by the FWS as well as the States of Oregon, Washington, and Idaho, and Indian Tribes. Other actions of concern include dredge and fill activities, and bank stabilization activities authorized and/or conducted by ACE throughout the Columbia River Basin.

The Federal agencies that most likely will be affected by this critical habitat designation include the BPA, FERC, NMFS, ACE, BLM, EPA, FWS, and the FS. This designation will provide clear notification to these agencies, private entities, and the public of critical habitat designated for listed Snake River salmon and the boundaries of the habitat and protection provided for that habitat by the section 7 consultation process. This designation will also assist these agencies and others in evaluating the potential effects of their activities on listed Snake River salmon and their critical habitat, and in determining when consultation with NMFS would be appropriate.

Expected Impacts of Designating Critical Habitat

NMFS prepared an EA that describes the environmental and economic impacts of alternative critical habitat designations. The EA is based on the best available information, considering comments received in response to the Federal Register notice soliciting biological and economic information on critical habitat (October 15, 1991, 56 FR 51684). The environmental benefit provided by designating critical habitat is the clear notification to Federal agencies and the public of the existence and importance of critical habitat. This critical habitat designation identifies areas in the Columbia River Basin determined to be essential to the conservation of listed Snake River salmon and that may be in need of special management considerations or protection. Designation of critical habitat will have little direct impact on the water, air, or land or on the cultural or historical resources of the Columbia River Basin. The University of Washington conducted a study under a grant from NMFS to project the economic costs and benefits resulting from specific management measures within areas potentially qualifying as critical habitat. This report provides information useful for the purposes of recovery planning, as well as critical habitat designation. Assistance in the development of this report was solicited from the public (October 15, 1991, 56 FR 51684) and from an Economic Technical committee comprised of expert entities throughout the Pacific Northwest. The resulting report presented to NMFS (Huppert et al., 1992) provided a broad scope of potential management measures and projected economic effects ranging between $5.6 and 249 million annually, from which NMFS could partition the incremental costs attributable to a critical habitat proposal.

The economic costs to be considered in a critical habitat designation are the incremental costs of critical habitat designation above the economic impacts attributable to listing or attributable to authorities other than the ESA (see Consideration of Economic, Environmental and Other Factors section of this preamble). NMFS has

determined that there are no incremental net costs for areas within these species' current distribution. However, incremental costs do result from special management activities in areas outside the current distribution of the listed species that have been determined to be essential to the conservation of the species. For Snake River sockeye salmon, only those impacts from special management activities in Alturas, Pettit, Stanley, and Yellow Belly Lakes and their inlet and outlet creeks (areas previously within the range of the species) are directly attributable to a critical habitat designation. Critical habitat designation of these areas may result in an estimated, one-time nationwide economic impact of $1.0 to 1.5 million, and estimated annual impacts ranging from $66,618 to $183,625 (Fluharty et al., 1992). These estimated economic impacts may result from activities such as: Treating and buffering (one-time cost) sockeye salmon nursery lakes; providing access for juvenile and adult sockeye salmon to and from the nursery lakes; and eliminating potential competition and predation due to planted put-take salmonids. It should be noted that these costs will not be incurred immediately, and, since activities may not need to be conducted in all lakes simultaneously, the costs may be spread out over time. Plans for the timing of the needed habitat improvements will be developed through the recovery planning process, considering such factors as the current condition of the habitat, the time necessary for habitat improvements, and the plans for outplanting of smolts from the captive broodstock program or other sources.

A beneficial economic and social impact may also be realized from designating these areas as critical habitat from the establishment of a Tribal ceremonial and subsistence fishery upon the recovery of the Snake River sockeye salmon. Moreover, it is estimated that a beneficial economic impact ranging from approximately $6,000 to $305,000 per year may be realized from an increase in non-consumptive uses (i.e., viewing sockeye salmon spawning) upon the recovery of the Snake River sockeye salmon in the Stanley Basin (Fluharty et al., 1992).

For Snake River spring/summer and fall chinook salmon, no incremental costs are expected as a result of critical habitat designation because the critical habitat designation only includes habitat where these species currently exist.

Final Critical Habitat; Essential Features

The designated habitat for Snake River sockeye salmon includes: The Columbia River from the Pacific Ocean to its confluence with the Snake River; the Snake River from its confluence with the Columbia River to its confluence with the Salmon River; the Salmon River from its confluence with the Snake River to its confluence with Alturas Lake Creek; Stanley, Redfish, Yellow Belly, Pettit, and Alturas Lakes (including their inlet and outlet creeks); Alturas Lake Creek and that portion of Valley Creek between Stanley Lake Creek and the Salmon River; all river reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River sockeye salmon in the following hydrologic units: Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, Middle Salmon-Chamberlain, Middle Salmon-Panther, and Upper Salmon.

The designated habitat for Snake River spring/summer chinook salmon includes: The Columbia River from the Pacific Ocean to its confluence with the Snake River; the Snake River from its confluence with the Columbia River to its confluence with Granite Creek; Asotin, Sheep, and Granite Creeks; all river reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River spring/summer chinook salmon in the following hydrologic units: Hells Canyon, Imnaha, Lemhi, Little Salmon, Lower Grande Ronde, Lower Middle Fork Salmon, Lower Salmon, Lower Snake-Asotin, Lower Snake-Tucannon, Middle Salmon-Chamberlain, Middle Salmon-Panther, Pahsimeroi, South Fork Salmon, Upper Middle Fork Salmon, Upper Grande Ronde, Upper Salmon, and Wallowa.

The designated habitat for Snake River fall chinook salmon includes: The Columbia River from the Pacific Ocean to its confluence with the Snake River; the Snake River from its confluence with the Columbia River to Hells Canyon Dam; the Palouse River from its confluence with the Snake River upstream to Palouse Falls; the Clearwater River from its confluence with the Snake River upstream to its confluence with Lolo Creek; the North Fork Clearwater River from its confluence with the Clearwater River upstream to Dworshak Dam; all river reaches presently or historically accessible to Snake River fall chinook salmon (except reaches above impassable natural falls) in the following hydrologic units: Clearwater, Hells Canyon, Imnaha, Lower Grande Ronde, Lower North Fork Clearwater, Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, and Palouse.

Critical habitat for all listed Snake River salmon includes the bottom and water of the waterways and the adjacent riparian zone. The riparian zone includes those areas within 300 feet (91.4 m) of the normal line of high water of a stream channel or from the shoreline of a standing body of water. Essential features of these areas include adequate: (1) Substrate (especially spawning gravel); (2) water quality; (3) water quantity; (4) water temperature; (5) water velocity; (6) cover/shelter; (7) food; (8) riparian vegetation; (9) space; and (10) migration conditions.

Although it is important, critical habitat does not include the open ocean habitat used by listed Snake River salmon because this area does not appear to be in need of special management consideration. Degradation of this portion of the species' habitat does not appear to be a significant factor in the decline of the species. In addition, existing laws appear adequate to protect these areas, and special management of this habitat is not considered necessary at this time. However, NMFS is presently organizing a workshop that will convene regional marine scientists and managers to submit and review all available information regarding marine habitat use by listed Snake River salmon, and the impact of current laws and activities on these species during marine residence. This workshop will allow NMFS to more accurately assess the need to amend the critical habitat designation to include specific oceanic or nearshore areas, and identify associated management issues and essential habitat features in these areas. If additional evidence supports the inclusion of marine areas, NMFS may revise designated critical habitat in accordance with 50 CFR 424.16. NMFS will continue to consult under section 7 of the ESA to address Federal actions that may affect the species or result in takings in the ocean, such as Federal management of ocean fishing.

Comments and Responses

State agencies, county governments, Federal agencies and other interested parties were notified and requested to comment on the proposed rule. Public hearings on the proposed rule were held at the following locations: January 11, 1993, in Portland, OR; January 12, 1993, in Richland, WA; January 13, 1993, in

Lewiston, ID; and January 14, 1993, in Boise, ID. Thirty-three individuals presented testimony at these hearings. During the 90-day comment period, NMFS received 112 written comments on the proposed rule from government agencies, non-government organizations and individuals. These comments are addressed below.

Geographic Extent of Critical Habitat

Comments: Many commenters recommended that the proposed geographic range of critical habitat for listed Snake River salmon be revised. Numerous commenters recommended that NMFS identify a portion of the ocean habitat and related special management considerations in the designation. Several recommended that critical habitat be extended to include entire watershed basins, not just riparian zones; several others requested that riparian zones be excluded from designation. Several commenters stated that all streams in Idaho should be excluded from critical habitat designation. Many expressed concern that the definitions of various stream descriptors (e.g., riparian zone, basin, subbasin, lower reaches) in the critical habitat designation were too vague. Several requested maps to more clearly identify critical habitat.

One commenter recommended removing reaches of Valley Creek upstream from its confluence with Stanley Lake Creek from designated critical habitat for Snake River sockeye salmon.

Many comments specifically addressed designated critical habitat for Snake River spring/summer chinook salmon. Many recommended that the Clearwater River be designated as critical habitat for Snake River spring/summer chinook salmon. Another suggested that NMFS should designate only currently occupied habitat in the main Salmon, Middle Fork Salmon, East Fork Salmon and Lemhi Rivers, and not all other river reaches. Two commenters noted that spring/summer chinook salmon habitat was erroneously extended to Sheep Creek and not Granite Creek. One commenter recommended the removal of Joseph Creek as critical habitat.

Several comments specifically addressed designated critical habitat for Snake River fall chinook salmon. Two commenters recommended that NMFS remove Asotin Creek as critical habitat for fall chinook salmon. One suggested that the North Fork of the Clearwater River to Dworshak Dam should be included as critical habitat for Snake River fall chinook salmon. Three commenters recommended the inclusion of the Palouse River Basin for fall chinook salmon. Three commenters requested that NMFS maintain the exclusion of critical habitat upstream of Orofino on the Clearwater River, while one requested extending critical habitat for Snake River fall chinook salmon up to Selway Falls on the Selway River, up the South Fork Clearwater River to Harpster, and up the Middle Fork of the Clearwater River into the lower reaches of the Lochsa River.

Response: Critical habitat is defined in section 3(5) of the ESA as the specific areas within the geographic area occupied by the species on which are found those physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection. Based on commenters' concerns and new information received during the public comment period, NMFS has refined its designation of critical habitat for Snake River sockeye salmon, Snake River spring/summer chinook salmon, and Snake River fall chinook salmon. The following sections address these commenters' concerns and clarify NMFS' designation of critical habitat for listed Snake River salmon.

Estuarine and Marine Habitats

NMFS recognizes that the Columbia River estuary is an essential rearing area and migration corridor for listed Snake River salmon, and has maintained the designation of the estuary as critical habitat in this final rule. Although they are also important, NMFS believes that marine habitats (i.e., oceanic or nearshore areas seaward of the mouth of the Columbia River) used by listed Snake River salmon do not presently warrant designation and do not appear to be in need of special management consideration or protection. Degradation of this portion of the species' habitat does not appear to have been a significant factor in the decline of the species. Specifically, existing laws appear adequate to protect these areas, and special management of this habitat is not considered necessary at this time. However, NMFS is presently organizing a workshop that will convene regional marine scientists and managers to submit and review all available information regarding marine habitat use by listed Snake River salmon, and the impact of current laws and activities on these species during marine residence. This workshop will allow NMFS to assess more accurately the need to amend the critical habitat designation to include specific oceanic or nearshore areas, and identify associated management issues and essential habitat features in these areas. If additional evidence supports the inclusion of marine areas, NMFS may revise designated critical habitat in accordance with 50 CFR 424.16. NMFS will, of course, continue to consult under section 7 of the ESA to address Federal actions that may affect the species or result in takings in the ocean, such as Federal management of ocean fishing.

Freshwater Habitats

NMFS has determined that it is possible to designate most river reaches and lakes critical to the conservation of listed Snake River salmon. However, in areas above the confluence of the Columbia and Snake Rivers, Snake River spring/summer chinook salmon inhabit a wide range of habitats, from large rivers to small perennial and intermittent streams. This use of diverse habitats coupled with the inadequacy of existing species distribution maps makes it extremely difficult to identify all specific river reaches required by this species. Furthermore, designating each specific river reach would not necessarily aid current conservation efforts for this species since there is the potential of excluding small, yet important, tributaries from the critical habitat designation. Therefore, it is presently not feasible to designate each particular river reach that could be considered as critical habitat for Snake River spring/summer chinook salmon. However, NMFS has determined that it is prudent to designate specific hydrologic units (i.e., Federally approved river basin boundaries) that include or contain river reaches presently or historically accessible to this species (except reaches upstream of impassable natural falls, and Dworshak and Hells Canyon Dams). These reaches are known to contain physical and biological features vital to the conservation of Snake River spring/summer chinook salmon (see Table 1 in the regulatory text).

Figure 1 identifies the general geographic extent of larger rivers, lakes, and streams within hydrologic units designated as critical habitat for Snake River sockeye, spring/summer chinook, and fall chinook salmon. Note that Figure 1 does not constitute the definition of critical habitat, but instead is provided as a general reference to guide Federal agencies and interested parties in locating the general boundaries of critical habitat for listed Snake River salmon. The complete text delineating critical habitat for each species can be found at 50 CFR 226.22. Below is a table that classifies the counties in Oregon, Washington, and

Idaho, within which at least some portion of the designated critical habitat (i.e., river reach or lake) or encompassing hydrologic unit is contained.

STATES/COUNTIES CONTAINING OR BORDERING RIVERS AND HYDROLOGIC UNITS [1] DESIGNATED AS CRITICAL HABITAT FOR ENDANGERED SNAKE RIVER SOCKEYE SALMON AND THREATENED SNAKE RIVER SPRING/SUMMER CHINOOK AND FALL CHINOOK SALMON.

State	Counties	Species [2]
Oregon	Baker	2,3
	Clatsop	1,2,3
	Columbia	1,2,3
	Gillium	1,2,3
	Hood River	1,2,3
	Morrow	1,2,3
	Multnomah	1,2,3
	Sherman	1,2,3
	Umatilla	1,2,3
	Union	2
	Wallowa	1,2,3
	Wasco	1,2,3
Washington	Adams	3
	Asotin	1,2,3
	Benton	1,2,3
	Clark	1,2,3
	Columbia	1,2,3
	Cowlitz	1,2,3
	Franklin	1,2,3
	Garfield	1,2,3
	Kickitat	1,2,3
	Lincoln	3
	Pacific	1,2,3
	Skamania	1,2,3
	Spokane	3
	Wahkiakum	1,2,3
	Walla Walla	1,2,3
	Whitman	1,2,3
Idaho	Adams	2,3
	Benewah	3
	Blaine	1,2
	Clearwater	3
	Custer	1,2
	Idaho	1,2,3
	Latah	3
	Lemhi	1,2
	Lewis	1,2,3
	Nez Perce	1,2,3
	Shoshone	3
	Valley	1,2,3

[1] Note that species may not inhabit river reaches within the county, but hydrologic units containing critical habitat fall within or border the county.

[2] Species code: 1=Snake River sockeye salmon; 2=Snake River spring/summer chinook salmon; 3=Snake River fall chinook salmon.

NMFS acknowledges that many of the river reaches within hydrologic units designated as critical habitat are not presently inhabited by the listed species. However, the vast majority of streams above the confluence of the Columbia and Snake Rivers contribute essential elements such as food, gravel, large woody debris, and water quality. Hence, their inclusion as part of the critical habitat is in keeping with the ESA's purpose "* * *to provide a means whereby the ecosystems upon which endangered species or threatened species depend may be conserved * * *" (ESA section 2(b)). Until information is developed that allows more accurate and detailed characterization of stream reaches as critical or noncritical, NMFS chooses to adopt a more inclusive critical habitat designation incorporating river reaches in hydrologic units presently or historically accessible (except reaches upstream of impassable natural falls, and Dworshak and Hells Canyon Dams) to salmon.

Experience gained by NMFS through section 7 consultations has clearly demonstrated the importance of assessing potential impacts of actions within entire watersheds. It is well documented that human activities in areas outside the immediate stream channel can have a direct effect on physical and biological features essential to the conservation of listed Snake River salmon. For example, road building and timber harvest operations in upland areas can result in adverse modifications to salmon spawning and rearing areas via landslides, sedimentation, fuel spills, and loss of riparian vegetation that provides shade, cover, and other habitat functions.

It is important to point out that designating entire hydrologic units as critical habitat does not imply that all proposed actions in a given hydrologic unit would negatively impact critical habitat. Conversely, some actions outside the designated area may have the potential to destroy or adversely modify the habitat. Through section 7 consultations, actions or groups of actions would still be considered on a case-by-case basis to determine if habitat would be destroyed or adversely modified. For areas upstream of the confluence of the Columbia and Snake Rivers, NMFS believes that refining its proposed critical habitat in terms of river reaches in specific hydrologic units is necessary to ensure the conservation of listed Snake River salmon. However, NMFS is presently investigating the feasibility of using geographic information systems to identify specific river reaches in critical habitat designations. If freshwater habitat information can be developed at an acceptable spatial resolution, NMFS may publish a notice in the Federal Register announcing its intent to revise designated critical habitat in accordance with 50 CFR 424.16.

Also, NMFS wants to clarify that Columbia River tributaries (e.g., Umatilla River and Willamette River) below the confluence of the Columbia and Snake Rivers are not included in the critical habitat designation because they are not considered part of the listed species' present or historical range. However, all water, waterway bottoms, and adjacent riparian zones (see Riparian Zones section of this preamble for definition) of the mainstem Columbia River from its confluence with the Snake River to the Pacific Ocean are included in the critical habitat designation, due to their importance as components of the juvenile and adult migration corridor.

Lakes, rivers, and creeks in the historical nursery area of Snake River sockeye salmon are especially important due to their contribution of essential habitat features, such as food, water, and access to spawning areas and migration corridors. However, NMFS concurs with the views of one commenter and determined that all reaches of Valley Creek upstream of its confluence with Stanley Lake's outlet creek will not be included as critical habitat for Snake River sockeye salmon. Only that portion of Valley Creek between Stanley Creek and the Salmon River is considered critical to migrating adults and juvenile sockeye salmon.

NMFS acknowledges that many river reaches (including Joseph Creek) within designated hydrologic units are not presently inhabited by Snake River spring/summer chinook salmon, and that some areas are presently inaccessible (or were historically impassable) to salmon. However, in light of the continued decline in adult returns of Snake River spring/summer chinook salmon, restricting critical habitat to a portion of this species' historic range is not considered prudent. An exception was NMFS' decision not to designate the Clearwater River Basin as critical habitat for Snake River spring/summer chinook salmon. Because of dams and hatchery-included genetic changes, the spring and summer chinook salmon inhabiting the Clearwater River Basin are not considered part of the evolutionary significant unit comprising Snake River spring/summer chinook salmon listed under the ESA. Hence, river reaches in the Clearwater River Basin are not considered critical for the conservation of listed Snake River Spring/summer chinook salmon.

Based on information acquired since proposing critical habitat for Snake River fall chinook salmon, NMFS has made several modifications to critical habitat designations for this species.

After consulting with regional fisheries biologists, NMFS has determined that Asotin Creek does not contain important spawning or rearing habitat for Snake River fall chinook salmon, and is therefore not included in this species' critical habitat designation. However, these biologists noted that the Palouse River from its confluence with the Snake River up to Palouse Falls is important spawning habitat for this species. Similarly, a short segment of the North Fork Clearwater River from Dworshak Dam downstream to its confluence with the Clearwater River also contains suitable spawning areas and is now included as critical habitat for Snake River fall chinook salmon. Despite requests from several commenters, NMFS has not extended critical habitat for Snake River fall chinook salmon upstream from Lolo Creek because there is insufficient biological information to designate these areas. However NMFS will continue to monitor activities in the Clearwater River and other river basins to determine if they need to be included in the critical habitat designation, and will continue to consult under section 7 of the ESA to address Federal actions that may affect listed Snake River species or their designated freshwater habitats.

Riparian Zones

In the Columbia River Basin, critical habitat includes the water, waterway bottom, and the adjacent riparian zone. A 1992 report by the U.S. Fish and Wildlife Service (FWS) states that riparian streambanks are composed of natural, eroding substrates supporting vegetation that either overhangs or protrudes into the water and, consequently, provides shade and escape cover for salmonids and other wildlife. Furthermore, according to a 1993 report by the interagency Forest Ecosystem Management Assessment Team (FEMAT), riparian zones consist of "areas where the vegetation complex and microclimate conditions are products of the combined presence and influence of perennial and/or intermittent water, associated high water tables, and soils that exhibit some wetness characteristics." The FEMAT report contains a comprehensive review of riparian ecosystem components, and specifies that riparian zones for fishbearing streams should consist of "* * * the area on either side of the stream extending from the edges of the active stream channel to the top of the inner gorge, or to the outer edges of the 100-year floodplain, or to the outer edges of riparian vegetation, or to a distance equal to the height of two site-potential trees, or 300 feet slope distance (600 feet, including both sides of the stream channel), whichever is greatest."

Biophysical characteristics and processes that create riparian zones vary considerably throughout the range of listed Snake River salmon. However, riparian zones along the Columbia River and throughout the hydrologic units described above are considered essential for the conservation of the listed species because they provide important space, cover/shelter, and increase river productivity. Furthermore, healthy riparian zones help ensure that water quality parameters support physiological and behavioral requirements of the listed species.

Because adverse modification of riparian zones may impede the recovery of threatened and endangered salmon, the adjacent riparian zone is included in the critical habitat designation for listed Snake River salmon. NMFS recognizes that influences of riparian vegetation progressively decrease away from the water source (e.g., river), making it difficult to identify discrete boundaries for the riparian zones. As a reasonable benchmark, NMFS defines the "adjacent riparian zone" as those areas within a horizontal distance of 300 feet (91.4 m) from the normal line of high water of a stream channel or from the shoreline of a standing body of water. NMFS points out that this definition is adopted solely as a means by which agencies can evaluate the potential risk of proposed actions on designated critical habitat. The actual delineation of riparian zones at the site of a proposed action can be more accurately identified through section 7 consultations.

Seasonal Designation

Comments: Some commenters recommended that critical habitat be designated on a seasonal basis, suggesting that it could be based on the seasonal distribution of difficult species' life stages (e.g., spawning and rearing areas).

Response: A seasonal critical habitat designation for listed Snake River salmon is not appropriate because it would not be practical or beneficial for the conservation of the species. Due to the temporal differences in each species' life history strategy, either eggs, fry, juveniles, or adults are present almost year-round in the Columbia River Basin. Furthermore, actions with long-term impacts on habitat features could adversely affect the species even though taken when the species is not present. Therefore, impacts to critical habitat need to be evaluated on a year-round basis.

Economic Impacts—Incremental Approach

Comments: Many commenters believe that NMFS improperly minimized the economic impacts by separating the designation of critical habitat from the listing process (i.e., considering only the incremental economic effects of designating critical habitat beyond the effects associated with listing the species as threatened or endangered). These commenters are concerned that by separating the costs associated with the various regulatory actions (e.g., listing, critical habitat designation, section 7), NMFS underestimated the real economic consequences of protecting listed Snake River salmon as required by the ESA. Several commenters objected to NMFS' interpretation that the impact of critical habitat designation only duplicates the protection provided under section 7 of the ESA. Also, several commenters believe that using an incremental approach for critical habitat designation renders sections of the ESA meaningless and circumvents the intent of Congress.

Response: NMFS concludes that the economic impact of designating critical habitat will have only a small increase in impacts above those resulting from the listing. The law is unambiguous in both its prohibition of the consideration of economics in the listing process and its requirement to analyze the economic impact of designating critical habitat. These disparate requirements for each determination lead to an incremental analysis in which only the economic impacts resulting from the designation of the critical habitat are considered.

NMFS disagrees with the assertion that the incremental approach to economic analysis of critical habitat renders its designation meaningless. Critical habitat is important because it identifies habitat that is essential for the continued existence of a species and that may require special management measures. This facilitates and enhances Federal agencies' ability to comply with section 7 by ensuring that they are aware of the habitat that should be considered in analyzing the effects of their activities on listed species and habitats essential to support them. In addition to aiding Federal agencies in determining when consultations are required pursuant to section 7(a)(2), critical habitat can aid an agency in fulfilling its broader obligation under section 7(a)(1) to use its authority to carry out programs for the conservation of listed species.

Several commenters asserted that the incremental approach fails to take into account the substantial effect on non-

Federal interests that will be harmed by critical habitat designation to the extent they must receive Federal approvals or funds to conduct their activities. Most of the effect on non-Federal interests will be a result of the takings prohibition of section 9, or the no-jeopardy requirement of section 7, both of which are a function of the listing of the species, not designation of critical habitat. Whether or not critical habitat is designated, non-Federal interests must conduct their actions consistent with the requirements of the ESA. When a species is listed, non-Federal interests must comply with the prohibitions on takings under section 9 of the ESA or associated regulations. If the activity is funded, permitted or authorized by a Federal agency, that agency must comply with the non-jeopardy mandate of section 7 of the ESA, which is also a result of the listing of a species, not the designation of critical habitat. Once critical habitat is designated, the agency must avoid actions that destroy or adversely modify that critical habitat. However, under 50 CFR 402.02 definitions, any action that destroys or adversely modifies critical habitat is also likely to jeopardize the continued existence of the species. Therefore, NMFS does not anticipate that the designation will result in significant additional requirements for non-Federal interests.

Economic Impact Analysis

Comments: Many commenters questioned the adequacy of the economic impact analysis used by NMFS (Huppert et al., 1992), stating that the analysis did not assess all potential impacts. Several commenters objected to NMFS' determination that the proposed designation would have only minimal economic impacts, especially on small communities and counties containing important salmon spawning and rearing habitat. There were several comments on the expected costs of the proposed designation. Several commenters recommended that results of an expanded economic assessment be published in the Federal Register and that the public comment period be extended by 180 days. Several commenters expressed concern that the analysis entirely ignored impacts on Columbia River navigation/port activities. Three commenters believed the economic analysis failed to evaluate the economic impacts on dredging activities in the lower Columbia River.

Response: Under section 4(b)(2) of the ESA, the Secretary is required to designate critical habitat on the basis of the best scientific data available and after taking into account the economic impact, and other relevant impacts, of specifying any particular area as critical habitat. An area may be excluded from a critical habitat designation if the overall benefits of exclusion outweigh the benefits of designation and the exclusion will not result in the extinction of the species.

NMFS has concluded, based on an assessment of the economic impacts of designating critical habitat for listed Snake River salmon, that the designation is not likely to have significant additional adverse impacts on Federal, state, or private actions beyond those that already occur as a result of listing a species under the ESA. Although many of the comments received on the economic impact of the proposed designation suggested that the designation will have major economic costs, these costs are attributable to the economic impacts resulting from the listing of the species and not from designating their critical habitat. Furthermore, the critical habitat designation directly affects Federal agency actions. This does not encompass private, state or local actions unless there is some Federal involvement.

Currently, Federal agencies active within the range of the listed Snake River salmon species are required to consult with NMFS regarding projects and activities they permit, fund, or otherwise carry out that may affect the species, since the species are listed under the ESA. Thus, even without this critical habitat designation, Federal agencies would be required to consult with NMFS, in most if not all situations, if listed Snake River salmon habitat might be adversely affected, since any action that is likely to affect these species' habitat would also be expected to affect the species. Economic impact attributable solely to critical habitat designation above listing may occur in areas that have been designated as critical habitat but that are outside the current distribution of listed Snake River salmon (See Expected Impacts of Critical Habitat Designation).

Although NMFS recognizes that the economic analysis may not be complete, it was broader than the impacts of a critical habitat designation. Therefore, it is not necessary to revise or update the economic report before final designation of critical habitat.

Impact of Critical Habitat Designation

Comment: Several commenters stated that designating critical habitat for listed Snake River salmon is a "major rule," because the economic impacts will be greater than $100 million, and recommended that NMFS conduct a regulatory impact analysis under E.O. 12291 and under the Regulatory Flexibility Act. Many commenters stated that NMFS' environmental assessment was inadequate and recommended that NMFS prepare an environmental impact statement (EIS) pursuant to NEPA on the critical habitat designation because designation is a major Federal action and will have a significant impact on the environment.

Response: E.O. 12291 has recently been revoked, so that it is no longer necessary to classify a rule as "major." Nevertheless, NMFS notes that the designation of critical habitat for listed Snake River salmon will have an annual effect on the economy of less than $100 million. Consequently, this rule is not "economically significant" as defined in section 3(f)(1) of E.O. 12866. Also, NMFS completed an EA pursuant to NEPA and concluded that this measure would not result in significant environmental impacts. Therefore, NMFS has determined that neither a regulatory impact analysis nor an EIS are necessary.

Public Notice of Proposed Rule

Comments: Several commenters voiced complaints about the location or notification of public hearings.

Response: Upon publishing notice of the proposed designation of critical habitat in the FEDERAL REGISTER, NMFS followed the appropriate notification procedures outlined in 50 CFR 424.16(c)(1). This notification included giving notice to state and Federal agencies, private individuals, and scientific organizations known to be affected by the proposed rule. NMFS also published a summary of the proposed regulation in several newspapers with general circulation in the Pacific Northwest. The sites chosen for public hearings were located in affected areas in Oregon, Washington, and Idaho to allow ample opportunity for public attendance. Furthermore, NMFS extended the public comment period an additional 30 days to allow additional comments to be incorporated into this final rule.

Current Regulatory Mechanisms and Activities Affecting the Essential Habitat

Comments: Several commenters recommended changes to the proposed rule under the sections "Need for Special Management Considerations or Protection" and Activities That May Affect the Essential Habitat." Many commenters stated that existing management plans were sufficient to protect habitat/listed species. Two commenters recommended that effects of fish monitoring activities and

research be included as special management considerations, and that NMFS be considered an agency affected by critical habitat designation. Several commenters stated that since the discharge of chemical pollutants is an activity that may affect critical habitat, the U.S. Environmental Protection Agency (EPA) should be identified as an affected Federal agency. One commenter noted that the U.S. Bureau of Reclamation (BOR) does not manage permitting for irrigation withdrawals in the Salmon River Basin.

Response: NMFS has considered existing regulatory mechanisms applicable to listed Snake River salmon and their critical habitat. A wide variety of Federal and state laws and programs have affected the abundance and survival of anadromous fish populations in the Columbia River Basin. However, they have not prevented the decline of listed Snake River salmon. Therefore, NMFS has determined that the inadequacy of existing regulatory mechanisms is a factor for listing these species as threatened or endangered.

NMFS considers the effects of scientific research/monitoring on listed Snake River salmon to be minor relative to other impacts. Furthermore, NMFS believes that the benefits derived from research/monitoring activities will promote the conservation of these species by reducing human induced mortalities associated with other activities.

Based on commenters' suggestions, NMFS and EPA have been included as Federal agencies whose activities may affect the designated critical habitat through their research/monitoring activities and regulation of pollutant discharges, respectively. In addition, NMFS acknowledges that the BOR does not regulate irrigation activities and diversions in the Salmon River Basin. However, the BOR controls large volumes of storage in the Snake River Basin, and influences the implementation of irrigation conservation measures by water users. The resulting flow regulation potentially impacts conditions in migration corridors and spawning areas of listed Snake River salmon below Hells Canyon Dam. NMFS also points out that agricultural activities funded or carried out by the U.S. Department of Agriculture Soil Conservation Service and Agricultural Stabilization and Conservation Service (DASCS) have potential effects on the critical habitat of listed Snake River salmon.

Primary Constituent Elements

Comments: Several commenters recommended that "primary constituent elements" be defined in more detail to help agencies determine when section 7 consultation is required.

Response: The primary constituent elements described under the "Need for Special Management Considerations or Protection" above and discussed in the proposed rule are provided to inform the public and to provide general guidance to Federal agencies. Detailed, quantitative descriptions of elements (e.g., nutrients, water flows and temperature, turbidity, streambank conditions, etc.) have not been included in the regulatory text because this discussion is intended to inform the public and to provide general guidance to Federal agencies. The diverse habitats and conditions that support populations of listed Snake River salmon make defining specific parameters of constituent elements extremely difficult. Furthermore, for some elements there is a lack of sufficiently detailed information to define the multitude of physicochemical conditions required to protect these species. Since it does not have the expertise to regulate criteria for all Federally permitted projects, NMFS requires Federal agencies to use their own expertise through the section 7 consultation process as a more effective method of describing potential impacts of their actions on constituent elements.

Classification

The General Counsel of the Department of Commerce has certified that this rule will not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act. NMFS completed an assessment of the economic impacts of designating critical habitat. NMFS found that the regulatory effects of critical habitat designation largely duplicate the results of listing and consultations, so that the direct economic and other impacts resulting from critical habitat designation are minimal. Therefore, a regulatory flexibility analysis is not required.

NOAA Administrative Order 216–6 section 6.02c.3(h) provides that critical habitat designations under the ESA, generally, are excluded from the requirement to prepare an EA or an environmental impact statement. However, in order to evaluate more clearly the impacts of the proposed critical habitat designation, NMFS prepared an EA for this rule and has concluded that there will be no significant impact on the human environment. Copies of the EA are available on request (see ADDRESSES).

This rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 226

Endangered and threatened species, Incorporation by reference.

Dated: December 20, 1993.

Nancy Foster,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set forth in the preamble, 50 CFR part 226 is amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. New § 226.22 is added to subpart C to read as follows:

§ 226.22 Snake River Sockeye Salmon (Oncorhynchus nerka), Snake River Spring/Summer Chinook Salmon (Oncorhynchus tshawytscha), Snake River Fall Chinook Salmon (Oncorhynchus tshawytscha).

The following areas consisting of the water, waterway bottom, and adjacent riparian zone of specified lakes and river reaches in hydrologic units presently or historically accessible to listed Snake River salmon (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams). Adjacent riparian zones are defined as those areas within a horizontal distance of 300 feet (91.4 m) from the normal line of high water of a stream channel (600 feet or 182.8 m, when both sides of the stream channel are included) or from the shoreline of a standing body of water. Figure 5 identifies the general geographic extent of larger rivers, lakes, and streams within hydrologic units designated as critical habitat for Snake River sockeye, spring/summer chinook, and fall chinook salmon. Note that Figure 5 does not constitute the definition of critical habitat, but instead is provided as a general reference to guide Federal agencies and interested parties in locating the general boundaries of critical habitat for listed Snake River salmon. The complete text delineating critical habitat for each species follows. Hydrologic units (Table 3) are those defined by the Department of the Interior (DOI), U.S. Geological Survey (USGS) publication, "State Hydrologic Unit Maps," pages 1 to 22 and 17–1 to 17–13, Open-file Report 84–708, 1984, and the following DOI, USGS, 1:500,000 scale hydrologic unit maps: State of Oregon, 1974; State of Washington, 1974; State of Idaho, 1974, which are incorporated by reference. This incorporation by reference was

approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of the USGS publication and maps may be obtained from the USGS, Map Sales, Box 25286, Denver, CO 80225. Copies may be inspected at NMFS, Endangered Species Branch, Environmental and Technical Services Division, 911 NE. 11th Avenue, room 620, Portland, OR 97232, NMFS, Office of Protected Resources, 1335 East-West Highway, Silver Spring, MD 20910, or at the Office of the Federal Register, 600 North Capitol Street, NW., suite 700, Washington, DC.

(a) *Snake River Sockeye Salmon (Oncorhynchus nerka).* The Columbia River from a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine areas and river reaches upstream to the confluence of the Columbia and Snake Rivers; all Snake River reaches from the confluence of the Columbia River upstream to the confluence of the Salmon River; all Salmon River reaches from the confluence of the Snake River upstream to Alturas Lake Creek; Stanley, Redfish, Yellow Belly, Pettit, and Alturas Lakes (including their inlet and outlet creeks); Alturas Lake Creek, and that portion of Valley Creek between Stanley Lake Creek and the Salmon River. Critical habitat is comprised of all river lakes and reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River sockeye salmon in the following hydrologic units: Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, Middle Salmon-Chamberlain, Middle Salmon-Panther, and Upper Salmon. Critical habitat borders on or passes through the following counties in Oregon: Clatsop, Columbia, Gillium, Hood River, Morrow, Multnomah, Sherman, Umatilla, Wallowa, Wasco; the following counties in Washington: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, Walla, Whitman; and the following counties in Idaho: Blaine, Custer, Idaho, Lemhi, Lewis, Nez Perce.

(b) *Snake River Spring/Summer Chinook Salmon (Oncorhynchus tshawytscha).* The Columbia River from a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine areas and river reaches proceeding upstream to the confluence of the Columbia and Snake Rivers; all Snake River reaches from the confluence of the Columbia River upstream to Hells Canyon Dam. Critical habitat also includes river reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River spring/summer chinook salmon in the following hydrologic units: Hells Canyon, Imnaha, Lemhi, Little Salmon, Lower Grande Ronde, Lower Middle Fork Salmon, Lower Salmon, Lower Snake-Asotin, Lower Snake-Tucannon, Middle Salmon-Chamberlain, Middle Salmon-Panther, Pahsimeroi, South Fork Salmon, Upper Middle Fork Salmon, Upper Grande Ronde, Upper Salmon, Wallowa. Critical habitat borders on or passes through the following counties in Oregon: Baker, Clatsop, Columbia, Gillium, Hood River, Morrow, Multnomah, Sherman, Umatilla, Union, Wallowa, Wasco; the following counties in Washington: Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Pacific, Skamania, Wahkiakum, Walla, Whitman; and the following counties in Idaho: Adams, Blaine, Custer, Idaho, Lemhi, Lewis, Nez Perce, Valley.

(c) *Snake River Fall Chinook Salmon (Oncorhynchus tshawytscha).* The Columbia River from a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine areas and river reaches proceeding upstream to the confluence of the Columbia and Snake Rivers; the Snake River, all river reaches from the confluence of the Columbia River, upstream to Hells Canyon Dam; the Palouse River from its confluence with the Snake River upstream to Palouse Falls; the Clearwater River from its confluence with the Snake River upstream to its confluence with Lolo Creek; the North Fork Clearwater River from its confluence with the Clearwater River upstream to Dworshak Dam. Critical habitat also includes river reaches presently or historically accessible (except reaches above impassable natural falls, and Dworshak and Hells Canyon Dams) to Snake River fall chinook salmon in the following hydrologic units; Clearwater, Hells Canyon, Imnaha, Lower Grande Ronde, Lower North Fork Clearwater, Lower Salmon, Lower Snake, Lower Snake-Asotin, Lower Snake-Tucannon, and Palouse. Critical habitat borders on or passes through the following counties in Oregon: Baker, Clatsop, Columbia, Gillium, Hood River, Morrow, Multnomah, Sherman, Umatilla, Wallowa, Wasco; the following counties in Washington: Adams, Asotin, Benton, Clark, Columbia, Cowlitz, Franklin, Garfield, Klickitat, Lincoln, Pacific, Skamania, Spokane, Wahkiakum, Walla, Whitman; and the following counties in Idaho: Adams, Benewah, Clearwater, Idaho, Latah, Lewis, Nez Perce, Shoshone, Valley.

3. Table 3 and Figure 5 are added to part 226 to read as follows:

Table 3 to Part 226 [Added]

TABLE 3.—HYDROLOGIC UNITS [1] CONTAINING CRITICAL HABITAT FOR ENDANGERED SNAKE RIVER SOCKEYE SALMON AND THREATENED SNAKE RIVER SPRING/SUMMER AND FALL CHINOOK SALMON

Hydrologic unit name	Hydrologic unit number		
	Sockeye salmon	Spring/summer chinook salmon	Fall chinook salmon
Hells Canyon	.....	17060101	17060101
Imnaha	.....	17060102	17060102
Lower Snake—Asotin	17060103	17060103	17060103
Upper Grande Ronde	.....	17060104	.....
Wallowa	.....	17060105	.....
Lower Grande Ronde	.....	17060106	17060106
Lower Snake—Tucannon	17060107	17060107	17060107
Palouse	.....	.....	17060108

TABLE 3.—HYDROLOGIC UNITS [1] CONTAINING CRITICAL HABITAT FOR ENDANGERED SNAKE RIVER SOCKEYE SALMON AND THREATENED SNAKE RIVER SPRING/SUMMER AND FALL CHINOOK SALMON—Continued

Hydrologic unit name	Hydrologic unit number		
	Sockeye salmon	Spring/summer chinook salmon	Fall chinook salmon
Lower Snake	17060110	17060110	17060110
Upper Salmon	17060201	17060201	.....
Pahsimeroi	.....	17060202	.....
Middle Salmon—Panther	17060203	17060203	.....
Lemhi	.....	17060204	.....
Upper Middle Fork Salmon	.....	17060205	.....
Lower Middle Fork Salmon	.....	17060206	.....
Middle Salmon—Chamberlain	17060207	17060207	.....
South Fork Salmon	.....	17060208	.....
Lower Salmon	17060209	17060209	17060209
Little Salmon	.....	17060210	.....
Clearwater	.....	.....	17060306
Lower North Fork Clearwater	.....	.....	17060308

[1] Hydrologic units and names taken from DOI, USGS 1:500,000 scale hydrologic unit maps (available from USGS); State of Oregon, 1974; State of Washington, 1974; State of Idaho, 1974.

Figure 5 to Part 226—Designated Critical Habitat, Snake River Salmon

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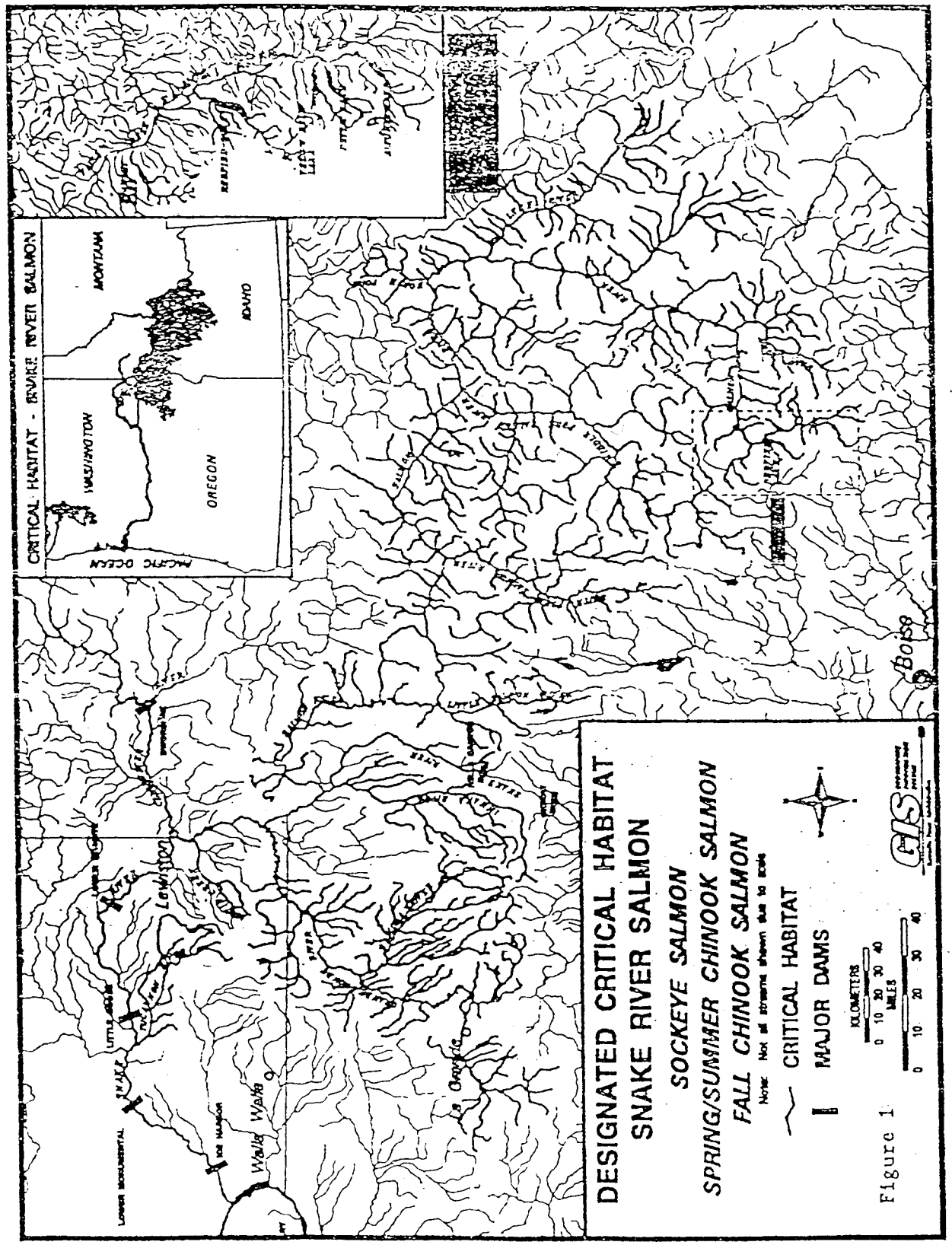

Figure 1

[FR Doc. 93-31432 Filed 12-27-93; 8:45 am]

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