

## **Proposed Critical Habitat Designation for the Threatened Southern Distinct Population Segment of North American Green Sturgeon**

### **Today's Action.**

NOAA Fisheries has published a proposed rule in the *Federal Register* to designate critical habitat areas in Washington, Oregon, and California for the Southern Distinct Population Segment of North American green sturgeon (Southern DPS of green sturgeon), listed in 2007 as a threatened species under the Endangered Species Act (ESA). The proposed rule includes analyses of the economic and other impacts of this proposed designation, and seeks additional information and comment on the proposed designation. Public hearings will be held in at least 2 locations to receive comments and feedback on the proposal. Details of the public hearings will soon be posted on NOAA Fisheries' website: <http://www.swr.noaa.gov>. Following the public comment period and hearings, the final rule is scheduled to be completed by NOAA Fisheries by June 30, 2009.

The proposed rule and supporting documents can be found at [www.nmfs.noaa.gov/pr](http://www.nmfs.noaa.gov/pr), look under "Recent News and Hot Topics."

### **Background.**

The Endangered Species Act (ESA) requires the federal government to designate "critical habitat" for any species listed under the ESA, in this case, the Southern DPS of green sturgeon. "Critical habitat" is defined as specific areas on which are found physical or biological features essential to the conservation of the species, and which may require special management considerations or protection. Critical habitat designations must take into consideration the economic impact, impact on national security, and any other relevant impact of such designation. Areas may be excluded from critical habitat if a determination is made that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat. However, the exclusion of such areas from critical habitat must not result in the extinction of the species.

### **Areas Proposed for Designation.**

The proposed designation looks at certain factors called "primary constituent elements" (PCEs) that are essential to support one or more of the life stages of the Southern DPS. The proposal analyzes areas that will provide the greatest biological benefits for the Southern DPS and balances the economic and other costs for areas proposed for designation. Based on this balancing of benefits and costs, the following specific areas, known to be presently occupied by the listed species, are proposed for designation: coastal U.S. marine waters within 110 meters (m) depth from Monterey Bay, California (including Monterey Bay), north to Cape Flattery, Washington, including the Strait of Juan de Fuca, Washington, to its United States boundary; the Sacramento River, lower Feather River, and lower Yuba River in California; the Sacramento-San Joaquin Delta and Suisun, San Pablo, and San Francisco bays in California; the lower Columbia River estuary; and certain coastal bays and estuaries in California (Humboldt Bay), Oregon (Coos Bay, Winchester Bay, and Yaquina Bay), and Washington

(Willapa Bay and Grays Harbor). The areas proposed for designation comprise approximately 325 miles (524 km) of freshwater river habitat, 1,058 square miles (2,739 sq km) of estuarine habitat, 11,927 square miles (30,890 sq km) of marine habitat, and 136 square miles (352 sq km) of habitat within the Yolo and Sutter bypasses (Sacramento River, CA).

The proposed rule requests additional information regarding the historic, current and potential use of seven presently unoccupied areas in the Central Valley of California by the Southern DPS. These areas are: reaches upstream of Oroville Dam on the Feather River; reaches upstream of Daguerre Dam on the Yuba River; areas on the Pit River upstream of Keswick and Shasta dams; areas on the McCloud River upstream of Keswick and Shasta dams; areas on the upper Sacramento River upstream of Keswick and Shasta dams; reaches on the American River; and reaches on the San Joaquin River. Additional information will inform our consideration of these areas for the final designation as well as future recovery planning for Southern DPS green sturgeon.

The proposed rule also requests additional information on costs incurred by those planning to undertake activities in certain areas, in particular Coos Bay, OR, or other areas along the lower Columbia River estuary, as a result of this proposed critical habitat designation for the Southern DPS of green sturgeon that were not captured in our draft economic report. These activities include, but are not limited to, liquefied natural gas (LNG) projects, hydropower activities, and alternative energy projects. Additional information received will be incorporated into the development of our final determination to designate or exclude areas from critical habitat for the Southern DPS of green sturgeon.

#### **Consideration of Impacts to National Security and Tribal Lands Based on this Designation.**

The proposal includes the potential for exclusion of any military lands or tribal lands that may overlap with areas proposed for designation as critical habitat for the Southern DPS. We request information specifically pertaining to whether the designation for such sites as critical habitat for the Southern DPS would result in national security impacts or impacts to tribal lands that would outweigh the benefits of designation.

#### **Comments**

Comments may be submitted for this proposed rule as listed below. All comments received are a part of the public record and will generally be posted to <http://www.regulations.gov>.

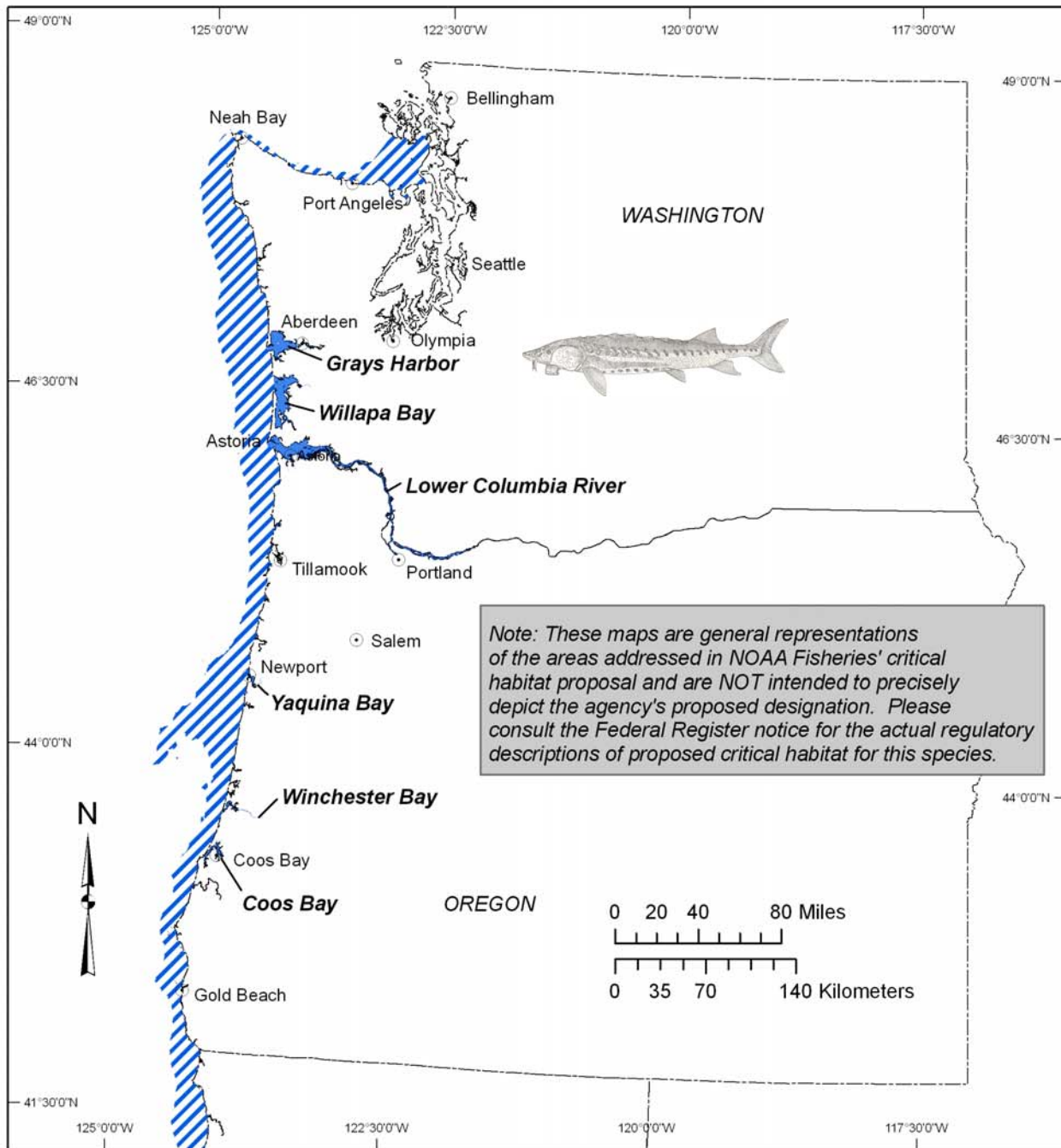
- Electronic: Go to the Federal eRulemaking Portal, <http://www.regulations.gov>, and follow instructions for submitting comments.
- Fax to 562-980-4027 Attn: Melissa Neuman
- Mail: Chief, Protected Resources Division, Southwest Region, NOAA's Fisheries Service, 650 Capitol Mall, Sacramento, CA 95814-4706

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## Washington & Oregon

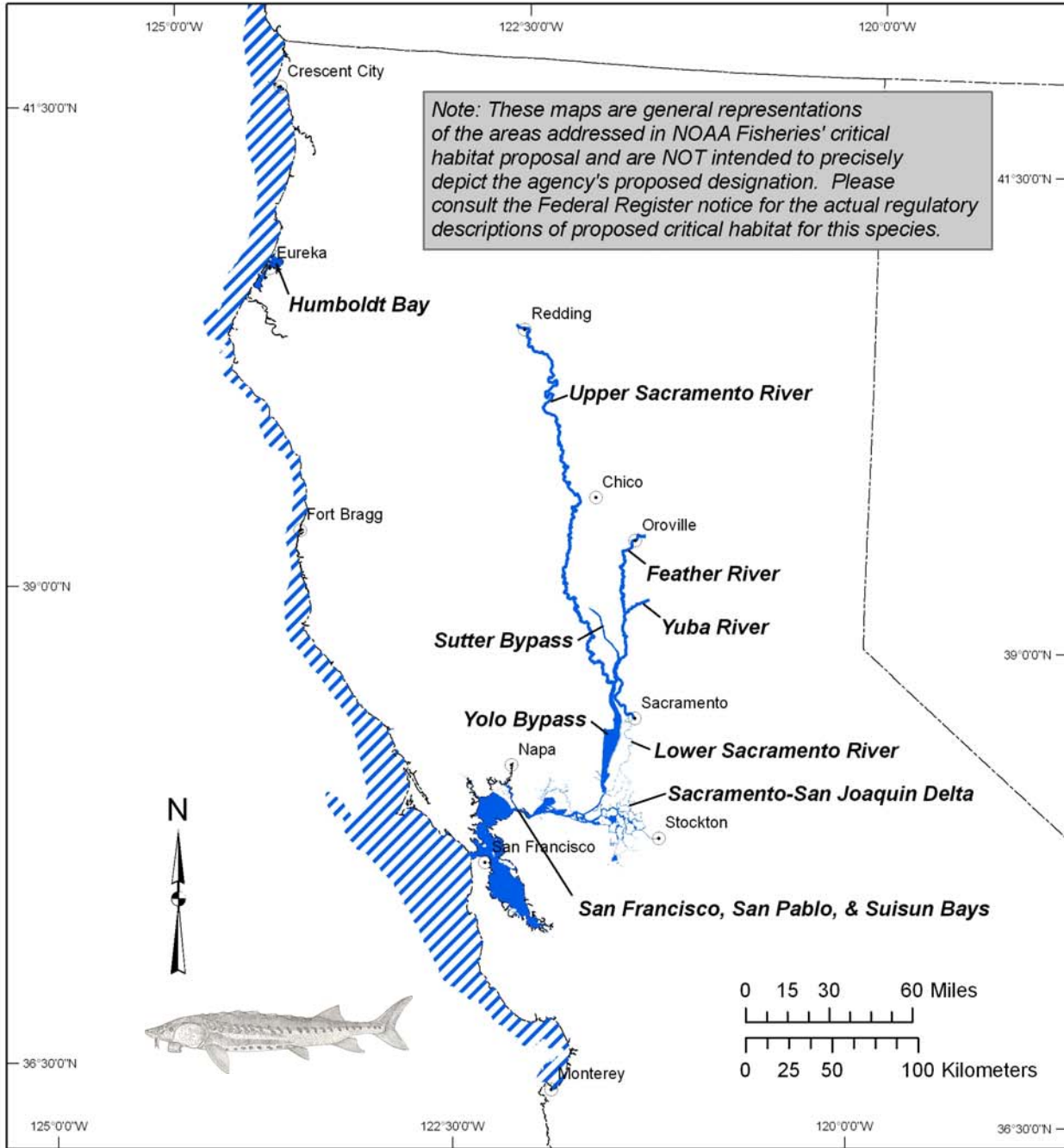


### Legend

- Cities / Towns
- State Boundary
- Riverine and Estuarine Areas Proposed as Critical Habitat
- Nearshore Marine Areas Proposed as Critical Habitat (offshore to 110 meters depth)

# Proposed Critical Habitat for the Southern DPS of Green Sturgeon

California



**Legend**

- Cities / Towns
- State Boundary
- Riverine and Estuarine Areas Proposed as Critical Habitat
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