

respect to the threat of nest predation by introduced predators which is documented as a serious threat by the petitioner in citations for other endemic species, the IUCN Red List of Threatened Species citation for this species, based on a 2005 assessment, states for the royal penguin that “rats take some eggs and young” but goes on to state that “feral cats have now been eliminated from Macquarie Island.” This suggests that conservation actions related to removing introduced predators prescribed in the Penguin Conservation Assessment and Management Plan for the royal penguin cited by the petitioner (Ellis 1999) are being successfully implemented. In fact, this recommendation regarding removing introduced predators is not included in the 2005 update of the IUCN Red List citation (Birdlife International 2006). Similarly, according to this cited source, the threat of human disturbance is being managed; “tourists on breeding islands are managed to prevent disturbance.” Citations in the petition on possible specific or general impacts of climate change on penguins at various Antarctic and sub-Antarctic latitudes do not mention the royal penguin, yet the petitioners assert the species will be affected on the basis of inferred similarity with other species for which the petitioner cites such impacts. We note that the petitioners do not include all penguin species in the petition. This indicates a conclusion by the petitioners that not all penguin species are equally under threat from the cited climate change factors and reduces confidence in the extrapolation of information, whether general, or directly tied to other specific locations or other species, to species included in the petition for which no specific information on these factors is provided. Because the petitioner provided no information indicating population declines or documenting specific threats to the species supported by scientific data or studies, we find that the petitioner does not present substantial scientific or commercial information to indicate that listing the royal penguin as threatened or endangered may be warranted at this time.

Finding

We have determined that the petition presents substantial scientific or commercial information to indicate that listing 10 species of penguins as endangered or threatened may be warranted. We find the petition does not present substantial scientific or commercial information to indicate that listing the snares crested penguin and the royal penguin as threatened or

endangered may be warranted at this time.

References Cited

- Birdlife International (Birdlife). 2006. In IUCN 2006. 2006 IUCN Red List of Threatened Species. Available at: <http://www.iucnredlist.org>.
- del Hoyo, J., A. Elliott, and J. Sargatal (Eds.). 2002. Handbook of the Birds of the World. Vol. 1. Lynx Edicions, Barcelona.
- Ellis, S. 1999. The Penguin Conservation Assessment and Management Plan: a Description of the Process. Marine Ornithology 27:163–169.

Author

The primary author of this notice is Pat Ford, Division of Scientific Authority, U.S. Fish and Wildlife Service.

Authority

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

Dated: July 3, 2007.

H. Dale Hall,

Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[I.D. 021607C]

Endangered and Threatened Species; Proposed Endangered Status for the Cook Inlet Beluga Whale; Public Hearing

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

ACTION: Notice of public hearing.

SUMMARY: On April 20, 2007, NMFS proposed the listing of the Cook Inlet beluga whale as an endangered species under the Endangered Species Act of 1973 (ESA), as amended. As part of that proposal, NMFS announced a public comment period to end on June 19, 2007, and then extended the comment period to August 3, 2007. NMFS has received requests for public hearings on this issue. In response, NMFS announced two public hearings to be held in Alaska and one public hearing to be held in Maryland in two previous **Federal Register** notices. In addition, NMFS is announcing a separate hearing in this notice that will be held in

Soldotna, Alaska, in order to provide greater opportunity for public comment. **DATES:** The hearing will be held on July 27, 2007, from 6 to 9 p.m. in Soldotna, AK. Written comments must be received by August 3, 2007.

ADDRESSES: The July 27, 2007, hearing will be held at the Kenai Peninsula Borough Assembly chambers, 144 North Binkley Street, Soldotna, AK.

Written comments can be sent to Kaja Brix, Assistant Regional Administrator, Protected Resources Division, Alaska Region, NMFS, Attn: Ellen Sebastian. Comments may be submitted by:

- E-mail: CIB-ESA-Endangered@noaa.gov. Include in the subject line the following document identifier: Cook Inlet Beluga Whale PR. E-mail comments, with or without attachments, are limited to 5 megabytes.
- Webform at the Federal eRulemaking Portal: www.regulations.gov. Follow the instructions at that site for submitting comments.

- Mail: P. O. Box 21668, Juneau, AK 99802.

- Hand delivery to the Federal Building: 709 W. 9th Street, Juneau, AK.
- Fax: (907) 586–7557.

FOR FURTHER INFORMATION CONTACT: Brad Smith, NMFS, 222 West 7th Avenue, Anchorage, AK 99517, telephone (907) 271–5006; Kaja Brix, NMFS, (907) 586–7235; or Marta Nammack, NMFS, (301) 713–1401.

SUPPLEMENTARY INFORMATION:

Background

On April 20, 2007, NMFS published a proposed rule to list the Cook Inlet beluga whale as an endangered species under the Endangered Species Act of 1973 (ESA), as amended (72 FR 19854). This action followed completion of the Cook Inlet beluga whale status review, which found this population to be at risk of extinction within the next 100 years and described NMFS= determination that this population constitutes a “species”, or distinct population segment under the ESA.

Following the publication of the proposed rule to list the Cook Inlet beluga whale as endangered, NMFS received requests to schedule public hearings on this issue. In response to these requests, NMFS published two separate notices in the **Federal Register** announcing public hearings in Alaska (72 FR 32605; June 13, 2007) and Maryland (72 FR 34661; June 25, 2007). Following these announcements, NMFS received an additional request for a public hearing to be held in Soldotna, AK. NMFS has decided to honor the request in order to provide additional opportunities for public comment.

Public Hearings

Joint Commerce-Interior ESA implementing regulations state that the Secretary shall promptly hold at least one public hearing if any person requests one within 45 days of publication of a proposed regulation to list a species or to designate critical habitat (see 50 CFR 424.16(c)(3)). In past ESA rule-making NMFS has conducted traditional public hearings, consisting of recorded oral testimony from interested individuals. This format, although providing a means for public input, does not provide opportunities for dialogue and information exchange. NMFS believes that the traditional public hearing format can be improved upon by also including a brief presentation on the results of the Cook

Inlet beluga Status Review and other topics of interest.

The preferred means for providing public comment to the official record is via written testimony prepared in advance of the meeting which may also be presented orally. Blank "comment sheets" will be provided at the meetings for those without prepared written comments, and opportunity will also be provided for additional oral testimony. There is no need to register for these hearings.

In scheduling these public hearings, NMFS has anticipated that many affected stakeholders and members of the public may prefer to discuss the proposed listing directly with staff during the public comment period. These public meetings are not the only opportunity for the public to provide

input on this proposal. The public and stakeholders are encouraged to continue to comment and provide input to NMFS on the proposal (via correspondence, e-mail, and the Internet; see **ADDRESSES**, above) up until the scheduled close of the comment period on August 3, 2007.

References

The proposed rule, status review, maps, a list of the references cited in this document, and other materials relating to the proposed listing can be found on the NMFS Alaska Region website <http://www.fakr.noaa.gov/>.

Dated: July 6, 2007.

James H. Lecky,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

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