

Federal Communications Commission.

**Barbara A. Kreisman,**

Chief, Video Division, Media Bureau.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 16

RIN 1018-AT49

#### Review of Information Concerning Bighead Carp (*Hypophthalmichthys nobilis*)

**AGENCY:** Fish and Wildlife Service,  
Interior.

**ACTION:** Notice of inquiry.

**SUMMARY:** The U.S. Fish and Wildlife Service is reviewing available economic and biological information on bighead carp (*Hypophthalmichthys nobilis*) for possible addition of that species to the list of injurious wildlife under the Lacey Act. The importation and introduction of bighead carp into the natural ecosystems of the United States may pose a threat to agriculture, horticulture, forestry, the health and welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. Listing bighead carp as injurious would prohibit their importation into, or transportation between, the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States, with limited exceptions. This notice seeks comments from the public to aid in determining if a proposed rule is warranted.

**DATES:** Comments must be submitted on or before November 17, 2003.

**ADDRESSES:** Comments may be mailed or sent by fax to the Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 322, Arlington, VA 22203; fax (703) 358-1800. You may send comments by electronic mail (e-mail) to: [BigheadCarp@fws.gov](mailto:BigheadCarp@fws.gov). See the Public Comments Solicited section below for file format and other information about electronic filing.

**FOR FURTHER INFORMATION CONTACT:** Kari Duncan, Division of Environmental Quality, Branch of Invasive Species at (703) 358-2464 or [kari\\_duncan@fws.gov](mailto:kari_duncan@fws.gov).

**SUPPLEMENTARY INFORMATION:** On October 16, 2002, the U.S. Fish and Wildlife Service received a petition

requesting that bighead carp, black carp, and silver carp be considered for inclusion in the injurious wildlife regulations pursuant to the Lacey Act. The petitioners expressed concern that bighead carp could invade the Great Lakes from the Mississippi River basin, where they are established, through a manmade ship and sanitary canal. The petitioners, 25 members of Congress representing the Great Lakes region, are concerned that bighead carp, because they are voracious eaters, may impact food supplies available to native fisheries in the Great Lakes, which are already struggling against other invasive species. The petitioners also noted that the Great Lakes fisheries are valued at approximately \$4 billion, and resource managers have spent decades trying to restore and protect them.

Bighead carp are native to southern and central China. They feed on plankton and prefer large river habitats. They can grow to maximum lengths of about 58 inches and reach sexual maturity at about 21.6 inches. In Asia, bighead carp typically spawn between April and June, and they often migrate upstream to spawn.

Bighead carp were imported into the United States in 1972 by a fish farmer who wanted to use them in combination with other phytoplankton-eating fish to improve water quality and increase fish production in culture ponds (Fuller, et al, 1999). They have been used in many parts of the world as food fish. Bighead carp have been recorded from within or along the borders of at least 18 States.

The Lacey Act (18 U.S.C. 42) and its implementing regulations in 50 CFR part 16 restrict the importation into or the transportation between the continental United States, the District of Columbia, Hawaii, the Commonwealth of Puerto Rico, or any territory or possession of the United States of any species of wildlife, or eggs thereof, determined to be injurious or potentially injurious to certain interests, including those of agriculture, horticulture, forestry, the health and welfare of human beings, and the welfare and survival of wildlife and wildlife resources in the United States. However, injurious wildlife may be imported by permit for zoological, educational, medical, or scientific purposes in accordance with permit regulations at 50 CFR 16.22, or by Federal agencies without a permit solely for their own use. If the process initiated by this notice results in the addition of bighead carp to the list of injurious wildlife contained in 50 CFR part 16, their importation into the United States would be prohibited except under the

conditions, and for the purposes, described above.

This notice solicits economic, biological, or other information concerning bighead carp. The information will be used to determine if the species is a threat, or potential threat, to those interests of the United States delineated above, and thus warrants addition to the list of injurious wildlife in 50 CFR 16.13.

#### Public Comments Solicited

Please send comments to Chief, Division of Environmental Quality, U.S. Fish and Wildlife Service, 4401 North Fairfax Drive, Suite 322, Arlington, VA 22030. Comments may be hand-delivered to the above address or faxed to (703) 358-1800. If you submit comments by e-mail, please submit comments as an ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-AT49]" and your name and return address in your e-mail message. Please note that this email address will be closed at the termination of this public comment period.

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

**Authority:** This notice is issued under the authority of the Lacey Act (18 U.S.C. 42).

Dated: September 10, 2003.

**Craig Manson,**

Assistant Secretary for Fish, Wildlife and Parks.

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