Modified Cost Performance Plans

(XXX)

(a) The offeror shall submit in its proposal a written summary of the management procedures it will establish, maintain, and use in the performance of any resultant contract to comply with the requirements of the clause at 1852.242–74 Modified CostPerformance Report.

(b) If the offeror proposes to use a cost/schedule control system that has been recognized by the cognizant Administrative Contracting Officer as complying with the earned value management system criteria of NASA Policy Directive 9501.3, Earned Value Management, or DoD 5000.2–R, Mandatory Procedures for Major Defense Acquisition Programs and Major Automated Information Systems Acquisition Programs, the offeror may submit a copy of the documentation of such recognition instead of the written summary required by paragraph (a) of this provision.

(End of provision)

[FR Doc. 98–30554 Filed 11–13–98; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-day Finding on a Petition To List the Redband Trout in the Great Basin as Threatened or Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: We (the U.S. Fish and Wildlife Service) announce a 90-day finding for a petition to list the redband trout (*Oncorhynchus mykiss* ssp.) in the Great Basin as an endangered or threatened species throughout its range, pursuant to the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*), as amended (Act). We find that the petition presents substantial scientific or commercial information indicating that listing at the level of the Great Basin population of redband trout as a whole or at the level of each of the six sub-populations may be warranted. We are initiating a status review to determine if listing any or all of the subpopulations is warranted. All further reference in this notice to redband trout in the Great Basin will identify this fish as the Great Basin redband trout.

DATES: The finding announced in this document was made on November 6, 1998. To be considered in the 12-month finding for this petition, information and comments should be submitted to us by January 15, 1999.

ADDRESSES: Information, written comments and materials, or questions concerning this petition should be submitted to the Supervisor, U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Antonio Bentivoglio, biologist, at the above address or telephone 503–231–6179.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*), requires that we make a finding on whether a petition to list, delist, or reclassify a species, presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to us at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of receipt of the petition, and the finding is to be published promptly in the **Federal Register**. If we find substantial information present, we are required to promptly commence a review of the status of the species if one has not already been initiated under our internal candidate assessment process.

We have made a 90-day finding on a petition to list the Great Basin redband trout (*Oncorhynchus mykiss* ssp.). The petition, dated September 4, 1997, was submitted by the Oregon Natural Desert Association, Oregon Trout, Native Fish Society, and Oregon Council of Trout Unlimited, and was received by us on September 8, 1997. The petition requests the listing of the indigenous redband trout in the Great Basin as endangered or threatened throughout its range in southeastern Oregon, northeastern California, and northwestern Nevada, in particular the redband trout populations in Catlow, Fort Rock (Silver Lake), Harney (Malheur Lake), Goose Lake, Warner, and Chewaucan (Lake Abert/Summer Lake) basins (together these six closed basins make up the Great Basin as described in the petition). The petition also requests the designation of critical habitat concurrent with listing. The letter clearly identified itself as a petition and contained the names, signatures, and addresses of the petitioners. Accompanying the petition was supporting information relating to taxonomy, ecology, threats, and past and present distribution of the Great Basin redband trout.

The petition, supporting documentation, and other information available in our files have been reviewed to determine if substantial information is available to indicate that the requested action may be warranted. On the basis of the best scientific and commercial information available, we find the petitioned action may be warranted for the Great Basin redband trout because of threats to existing populations and declines in population numbers. A status review will be commenced in accordance with the final listing priority guidance for fiscal years 1998 and 1999 (63 FR 25502) published on May 8, 1998.

At the time the petition was received, we were operating under the final listing priority guidance for fiscal year 1997, published December 5, 1996 (61 FR 64475), and the extension of that listing priority guidance published October 23, 1997 (62 FR 55268). The fiscal year guidance clarified the order in which we would continue to process the backlog of rulemakings following two related events—(1) the lifting, on April 26, 1996, of the moratorium on final listings imposed on April 10, 1995 (Public Law 104–6); and (2) the restoration of significant funding for listing through passage of the omnibus budget reconciliation law on April 26, 1996, following severe funding constraints imposed by a number of continuing resolutions between November 1995, and April 1996. Based on biological considerations, the guidance established a ''multi-tiered approach that assigned relative priorities, on a descending basis, to actions to be carried out under section 4 of the Act'' (61 FR 64479). The guidance called for giving highest priority (Tier 1) to handling emergency situations, second highest priority (Tier 2) to resolving the listing status of the outstanding proposed listings, third priority (Tier 3) to resolving the conservation status of candidate species and processing administrative findings on petitions, and lowest priority (Tier 4) to preparation of proposed or final critical habitat designations, and processing delistings and reclassifications from endangered to threatened status. On November 10, 1997, we notified the petitioners that based on the listing priority guidance for fiscal year 1997, the processing of their petition fell under Tier 3. We further indicated that our Oregon State Office (which was assigned the

responsibility for processing the petition) would continue to direct personnel and budget toward accomplishment of ongoing Tier 2 and Tier 3 activities for species judged to be in greater need of the Act's protection than Great Basin redband trout. As these higher priority activities were accomplished, and personnel and funds became available however, we would proceed with the 90-day finding on the petition for Great Basin redband trout.

On May 8, 1998, final listing priority guidance for fiscal years 1998 and 1999 (63 FR 25502) was published. This new guidance changed the four tier priority system to a three-tier system. Under the three tier system, first priority (Tier 1) is completion of emergency listings for species facing the greatest risk to their well-being. Second priority (Tier 2) is processing final decisions on pending proposed listings; processing new proposals to add species to the lists; processing 90-day and 12-month administrative findings on petitions to add species to the lists and petitions to delist or reclassify species; and delisting or downlisting actions on species that have achieved or are moving toward recovery. Third priority (Tier 3) is processing petitions for critical habitat designations and preparing proposed and final critical habitat designations. Under this new guidance, the processing of this petition finding is a Tier 2 action.

Both rainbow trout and redband trout belong in the species *Oncorhynchus mykiss.* The generally accepted geographic boundary between rainbow and redband trout is the crest of the Cascade Mountains. Trout in the species *O. mykiss* found east of the crest of the Cascade Mountains are referred to as interior redband trout and those west of the crest as coastal rainbow trout. Behnke (1992) clearly includes Great Basin redband trout as part of the interior redband trout complex but states that ''their classification is a matter of personal preference and professional judgment.'' Williams et al. (1989) recognize three subspecies within the Great Basin redband trout complex—the Catlow Valley redband trout (*O. mykiss* ssp.), Goose Lake redband trout (*O. mykiss* ssp.) and Warner Valley redband trout (*O. mykiss* ssp.), but did not name them using subspecific designation. Other researchers have stated that although the Great Basin redband trout have no subspecific designation, any or all of the basins might contain distinct subspecies (Williams et al. 1989, Behnke 1992, Kowtow 1995).

Although Great Basin redband trout are not officially described as a subspecies, the petitioners supply supporting information for the recognition of the Great Basin redband trout as a Distinct Vertebrate Population Segment (DPS). In accordance with our policy on DPSs, for a taxon to be considered a DPS, two elements must be considered—discreteness and significance of the taxon (February 7, 1996; 61 FR 4721). Discreteness refers to the separation of a population segment from other members of the species based on either (1) physical, physiological, ecological, or behavioral factors, or (2) international boundaries that result in significant differences in exploitation control, habitat management, conservation status, or regulatory mechanisms. Great Basin redband trout, in each of the six basins, are physically isolated from each other and are isolated from outside aquatic influences by the presence of mountain ranges. Because of this, the redband trout in each of the six basins would be considered discrete.

Significance refers to the biological and ecological importance or contribution of a discrete population to the species throughout its range. Examples of significance include—(1) persistence of a discrete population segment in a unique or unusual ecological setting; (2) evidence that loss of a discrete segment would result in a significant gap in the range of the species; (3) evidence that the discrete population segment represents the only surviving natural occurrence of a taxon that may be more abundant elsewhere as an introduced population outside its historic range; or, (4) evidence that the discrete segment differs markedly from other populations of the species in genetic characteristics (61 FR 4721). The petitioners provide the following justification relating to example (1). Among all *Oncorhynchus mykiss,* Great Basin redband trout are the only group that exists in isolated desert watersheds that have been physically isolated from other watersheds for thousands of years. Equally important is the fact that these fish are adapted to harsh, high desert environments characterized by hot summers, cold winters, large diurnal temperature fluctuations, drought, intermittent stream flows and alkali waters. The petitioners provide the following justification relating to example (2). Hatchery rainbow trout stocked in any of the six basins, do not appear to survive long enough to reproduce. This appears to be due to the unique ecologically harsh parameters found in these six basins. If Great Basin redband trout are lost from these basins there is little likelihood that hatchery stocked trout would be able to survive in this area, thus a significant gap in the range of the species would occur. The petitioners provide the following justification relating to example (4). Publications by Berg (1987), Phelps et al. (1996), and Currens (1997) indicate evidence of genetic differences among the populations of redband trout in the Great Basin. Currens' (1997) allozyme data appear to indicate that, for the Great Basin redband trout, each basin's redband trout population is genetically distinct.

For these reasons, we believe that the Great Basin redband trout should be considered discrete and significant. Whether all six basins are one DPS or six separate DPSs has yet to be determined, and would be a focal issue of the status review.

In most basins, interior redband trout have adfluvial life histories, migrating between highly productive rearing areas in lakes with adjacent marshes and spawning areas in streams, or between productive marshes and streams. Marshes and lakes provide connections among various stream populations. During drought episodes that cause complete desiccation of the lakes and marshes, streams provided refuges for populations that return to the lakes when they refill (Kowtow 1995). Great Basin redband trout abundance is generally correlated with healthy riparian vegetation, presence of undercut banks, large woody debris and general stream habitat complexity. In-stream habitat varies from higher gradient channels to lakes and marshes with spawning occurring in loose gravel and well-oxygenated water. Water temperatures should not exceed 21 degrees Celsius and those above 26.6 degrees Celsius can be lethal. The smaller stream-resident redband are generally insectivorous while larger lake-resident fishes eat insects and small fishes (Kunkel 1976, Lee 1997, Bowers et al. 1979, Charlon et al 1970).

The petition contains a substantial amount of information relating to the decline of Great Basin redband trout. The petitioners assert that the Great Basin redband trout has evolved in and is therefore adapted to the harsh Great Basin environment. However, human impacts have decreased suitable habitat, which has led to the decline of Great Basin redband trout. Although exact historic distribution is unclear, the petitioners cite references stating that declines have occurred (Kowtow 1995, Dambacher and Stevens 1996, Bowers and Perkins 1996, Lee et al. 1997).

The petitioners indicate that declines in Great Basin redband trout have been most strongly associated with the destruction, modification, and

curtailment of this trout's aquatic habitat and range through degradation of riparian and stream habitat. The petition provides information regarding effects of habitat degradation and its relationship to Great Basin redband trout. The petitioners indicate that habitat degradation from improper livestock grazing practices, irrigation, stream channel manipulation, and timber harvest affects redband trout by increasing erosion of banks, increasing sedimentation, reducing stream bottom complexity, widening and shallowing of the stream cross section, increasing stream temperature, reducing streamside vegetation, fragmenting populations, dewatering streams, reducing watertables, and reducing the amount of large woody debris (Fleichner 1994, Bowers et al. 1979, Lee et al. 1997, USDA 1996). The petitioners present the effects of such degradation for each individual basin and as widespread occurrences in the Great Basin.

The petitioners provide evidence that introgression and competition by introduced fishes are threats to the continued existence of Great Basin redband trout. Introgression (i.e., introduction of a gene from one gene complex into another) resulting from Great Basin redband trout interbreeding with stocked hatchery rainbows reduces the native redband offspring's ability to survive harsh Great Basin conditions; introduced non-native fishes (both hatchery rainbows and exotic species like brook trout, carp, bass, catfish and crappie) compete with native redband for resources and can degrade the habitat (Hosford and Pribyl 1983, Kowtow 1995, Lee et al. 1997).

The petitioners also assert that threats to Great Basin redband trout remain because of the inadequacy of existing regulations. Emergency fishing regulations, conservation/protective designations by government agencies and professional societies, water quality protection measures, and other current and planned conservation measures have failed to stop the decline of Great Basin redband trout.

We reviewed the petition, as well as other available information, published and unpublished studies and reports, and agency files. On the basis of the best scientific and commercial information available, we find that there is sufficient information to indicate that listing of the Great Basin redband trout as threatened or endangered, throughout all or parts of its range, may be warranted. The petitioners also requested that critical habitat be designated for this species. Designation of critical habitat is not petitionable under the Act. However, if the 12-month finding determines that the petitioned action to list the Great Basin redband trout is warranted, then the designation of critical habitat would be addressed in the subsequent proposed rule.

Information Solicited

When we make a finding that substantial information exists to indicate that listing a species may be warranted, we are also required to promptly commence a review of the status of the species. To ensure that the status review is complete and based on the best available scientific and commercial data, we are soliciting information concerning the following—(1) information on historic distribution and information on current distribution in each basin; (2) habitat conditions in each basin; (3) basic biology including age-frequency distribution of the population(s) in each basin; (4) ongoing efforts to protect Great Basin redband trout and their habitat; (5) threats to the species and its habitat; (6) any information regarding distinct vertebrate population segment status of Great Basin redband trout as one unit or as six individual units; and (7) metapopulation dynamics and interactions between lake and stream morph fishes. In addition to information pertaining to the Great Basin redband trout, we are requesting any information in categories 1–7, above, that relates to Interior redband trout. ''Interior redband trout'' is a common term referring to any rainbow/redband type trout found east of the crest of the Cascade Mountains.

References Cited

A complete list of all references cited herein is available on request from the Oregon State Office (See **ADDRESSES** section).

Author

The primary author of this document is Antonio Bentivoglio, biologist, Oregon State Office, U.S. Fish and Wildlife Service (see **ADDRESSES** section).

Authority

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

Dated: November 6, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–30541 Filed 11–13–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition To List Agave Eggersiana and Solanum Conocarpum as Endangered

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of 90-day petition finding and initiation of status review.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list two plants, *Agave eggersiana* and *Solanum conocarpum* (marron bacora), under the Endangered Species Act of 1973, as amended. The Service finds that the petition presents substantial information indicating that listing these species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on October 16, 1998. To be considered in the 12-month finding for this petition, information and comments should be submitted to the Service by January 15, 1999.

ADDRESSES: Questions, comments, data, or information concerning this petition should be sent to the Field Supervisor, Boquerón Field Office, U.S. Fish and Wildlife Service, P.O. Box 491, Boquerón, Puerto Rico 00622. The petition finding, supporting data, and comments are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Silander (see **ADDRESSES** section); telephone 787/851–7297, facsimile 787/851–7440.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, the finding shall be made within 90 days following receipt of the petition and promptly published in the **Federal Register**. Following a positive finding, section 4(b)(3)(B) of the Act requires the Service to promptly commence a status review of the species.