(c) Following completion of FEMA review for any conditional LOMR or conditional LOMR, the requestor will be billed at the prevailing private section labor rates for any actual costs exceeding the initial fee incurred during the review. The rate (currently $35.00 per hour) will be revised on a fiscal year basis using the most current fiscal data available and the revised hourly rate will be published as a notice in the Federal Register for each fiscal year if the rate increases or decreases.

(2) Requestors of conditional LOMRs for the review of new hydrology, bridges or culverts, channel modifications, or combination bridge/culvert and channel modification will be notified of the anticipated total cost if the total cost of processing their request will exceed $1,500.

(3) Requestors of conditional LOMRs for the review of levees, dams or other structural measures will be notified of the anticipated total cost if the total cost of processing their request will exceed $2,500.

(4) Requestors of conditional LOMRs, for the review of structures on alluvial fans will be notified of the anticipated total cost if the total cost of processing their request will exceed $5,000.

(5) In the event that processing costs exceed the limits defined in paragraphs (c)(1) through (c)(4) of this section, processing of the request will be suspended pending FEMA receipt of written approval from the requestor to proceed.


C.M. "Bud" Schauerte,
Administrator, Federal Insurance Administration.

[FR Doc. 90-22787 Filed 9-26-90; 8:45 am]
BILLING CODE 4710-21-M

DEPARTMENT OF THE INTERIOR
Fish and Wildlife Service

50 CFR Part 17
RIN 1018-AB38

Endangered and Threatened Wildlife and Plants; Endangered Status for Four Snub-Nosed Monkeys

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: The Service determines endangered status for the Sichuan, Yunnan, Guizhou, and Tonkin snub-nosed monkeys. The last is reclassified from threatened status. All occupy restricted ranges in China or Vietnam, and are jeopardized by human habitat disruption and/or direct taking. This rule is promulgated under the authority of the Endangered Species Act of 1973 for these four monkeys.

EFFECTIVE DATE: October 29, 1990.

ADDRESSES: The complete file for this rule is available for public inspection, by appointment, from 8 a.m. to 4 p.m., Monday through Friday, in Room 750, 4401 Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Chief, Office of Scientific Authority; Mail Stop: Arlington Square, Room 725; U.S. Fish and Wildlife Service, Washington, DC 20240 or telephone (703-358-1708 or FTS 921-1708).

SUPPLEMENTARY INFORMATION:

Background

The snub-nosed monkeys and langurs of eastern Asia are placed in the genus Rhinopithecus, which sometimes has been treated only as subgenus Pygathrix, the Douc langurs, but which now is recognized as a full genus (Eudey 1987). There currently are thought to be four species: The Sichuan or golden snub-nosed monkey (R. roxellana), found in the mountainous region of the southeastern slopes of the Tibetan Plateau in the Chinese provinces of Hubei, Shaanxi, Gansu, Sichuan, and Yunnan; the Yunnan or black snub-nosed monkey (R. bieti), which occurs in the Yun-lung Mountain Range of Tibet and Yunnan; the Guizhou or gray snub-nosed monkey (R. brelichi), found in the Fan-jin Mountain Range south of the Middle Yangtze in Guizhou Province of China; and the Tonkin snub-nosed monkey (R. avunculus), of northern Vietnam (Brandon-Jones 1994; Eudey 1987). As indicated by the names, coloration varies between the species. In size, these monkeys range from about 20 to 35 inches (51 to 85 centimeters) in head and body length, and 20 to 30 inches (51 to 97 centimeters) in tail length. They inhabit high mountain forests, up to about 13,000 feet (4,000 meters), but may descend to lower elevations in winter. Part of their range is covered by snow for more than half the year.

It is known that these species are among the most critically endangered primates in the world. The Primate Specialist Group of the International Union for Conservation of Nature (IUCN) Species Survival Commission considers R. bieti, R. brelichi, and R. avunculus to have the "highest possible priority rating" for conservation action. Only one other Asian primate has been given this rating. R. roxellana has a "very high conservation rating" (Eudey 1987). The IUCN now formally classifies R. bieti, R. brelichi, and R. avunculus as endangered and R. roxellana as vulnerable. All snub-nosed monkeys are on appendix I of the Convention on International Trade in Endangered Species of Wild Fauna and Flora.

In the Federal Register of October 19, 1976 (41 FR 4593), the U.S. Fish and Wildlife Service classified R. avunculus as threatened, pursuant to the Endangered Species Act of 1973. In order to more accurately express the bioconservation situation, as well as to help establish closer alignment between the Convention appendices and the U.S. List of Endangered and Threatened Wildlife, the Service proposed to reclassify R. avunculus as endangered and to determine endangered status for R. roxellana, R. bieti, and R. brelichi in the Federal Register of January 18, 1990 (55 FR 1468). In the proposal and associated notifications, all interested parties were requested to submit factual facts or information that might contribute to development of a final rule. Three responses were received, all supportive.

Summary of Factors Affecting the Species

After a thorough review and consideration of all information available, the Service has determined that the Sichuan, Yunnan, Guizhou, and Tonkin snub-nosed monkeys should be classified as endangered. Section 4(a)(1) of the Endangered Species Act (16 U.S.C. 1531 et seq.) and regulations (50 CFR part 424) promulgated to implement the listing provisions of the Act were followed. A species may be determined to be endangered or threatened due to one or more of the five factors described in section 4(a)(1). These factors and their application to the Sichuan, Yunnan, Guizhou, and Tonkin snub-nosed monkeys are as follows:

A. The present or threatened destruction, modification, or curtailment of its habitat or range. All four species have declined substantially in range and numbers in recent years. The main problem is habitat loss and environmental disturbance through human activities. An especially severe factor is the destruction of forests through slash and burn agriculture. R. avunculus also is thought to have suffered in association with military activity during the Vietnam War. A number of protected reserves exist in China and Vietnam, but even these areas appear to have large populations of people. Estimates of the numbers of surviving individuals for each species have fluctuated, but are now thought to
be about 10,000 to 15,000 for \( R. \) roxellana, 600 to 800 for \( R. \) bieti, 200 to 670 for \( R. \) brelichi, and 880 for \( R. \) avunculus (Eudey 1987; MacKinnon and Mackinnon 1987; Wang and Quan 1986).

B. Overutilization for commercial, recreational, scientific, or educational purposes. All species have been hunted by people to obtain food, pelts, and parts for medicinal purposes. Tan (1985) reported a number of large-scale roundups of \( R. \) roxellana, during each of which up to about 200 individuals were captured for export. In another case, thousands of commune members encircled a mountain forest, gradually driving several hundred monkeys into a large stockade, where a "breeding farm" would be established. However, the monkeys therein rapidly died off and the project failed.

C. Disease or predation. Not now known to be immediate problems, but of potential concern in any situation in which a species is reduced to very limited numbers or habitat.

D. The inadequacy of existing regulatory mechanisms. Tan (1985) reported that commercial hunting was continuing in China, and suggested that protective measures are inadequate. Eudey (1987) indicated that nature reserves are not being properly protected in China, and MacKinnon and Mackinnon (1987) stated that only a small part of the habitat of \( R. \) avunculus is protected in Vietnam.

E. Other natural or manmade factors affecting its continued existence. None now known.

The decision to determine endangered status for the Sichuan, Yunnan, Guizhou, and Tonkin snub-nosed monkeys was based on an assessment of the best available scientific information, and of past, present, and probable future threats to the species. All four of these species have very low numbers and are vulnerable to human exploitation and disturbance. If conservation measures are not implemented, further declines are likely to occur. Critical habitat is not being determined, as its designation is not applicable to foreign species.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened pursuant to the Act include recognition, recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing encourages conservation measures by Federal, international, and private agencies, groups, and individuals.

Section 7(a) of the Act, as amended, and as implemented by regulations at 50 CFR part 402, requires Federal agencies to evaluate their actions that are to be conducted within the United States or on the high seas, with respect to any species that is proposed or listed as endangered or threatened and with respect to its proposed or designated critical habitat (if any). Section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action that is likely to jeopardize the continued existence of a proposed species or result in destruction or adverse modification of proposed critical habitat. If a species is subsequently listed, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or carry out are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a proposed Federal action may affect a listed species, the responsible Federal agency must enter into formal consultation with the Service. No such actions are currently known with respect to the species covered by this rule.

Section 8(a) of the Act authorizes the provision of limited financial assistance for the development and management of programs that the Secretary of the Interior determines to be necessary or useful for the conservation of endangered species in foreign countries. Sections 8(b) and 8(c) of the Act authorize the Secretary to encourage conservation programs for foreign endangered species, and to provide assistance for such programs, in the form of personnel and the training of personnel.

Section 9 of the Act, and implementing regulations found at 50 CFR 17.23, set forth a series of general prohibitions and exceptions that apply to all endangered wildlife. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (within the United States or upon the high seas), import or export, ship in interstate commerce in the course of commercial activity, sell or offer for sale in interstate or foreign commerce, or possess, sell, deliver, transport, or ship any such wildlife that has been taken in violation of the Act. Certain exceptions apply to agents of the Service and State conservation agencies.

Permits may be issued to carry out otherwise prohibited activities involving endangered wildlife under certain circumstances. Regulations governing permits are codified at 50 CFR 17.22 and 17.23. Such permits are available for scientific purposes, to enhance propagation or survival, or for incidental take in connection with other lawful activities. All such permits must also be consistent with the purposes and policy of the Act, as required by section 10(d) thereof. Except for \( R. \) avunculus, permits may be issued during a specified period of time to relieve undue economic hardship that would be suffered if such relief were not available. International trade in these four species is expected to be minimal.

National Environmental Policy Act

The Service has determined that an Environmental Assessment, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Endangered Species Act, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register of October 25, 1983 (48 FR 49244).

Literature Cited


Author

The primary author of this rule is Dr. Ronald M. Nowak, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240 (703-358-1706 or FTS 921-1706).

List of Subjects In 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Regulations Promulgation

Accordingly, part 17, subchapter B or chapter I, title 50 of the Code of Federal Regulations, is hereby amended as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 is revised to read as follows:
AGENCY: National Oceanic and Atmospheric Administration (NMFS), NOAA, Commerce. AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of reopening.


Richard N. Smith,
Acting Director, Fish and Wildlife Service.

[FR Doc. 90–22885 Filed 9–26–90; 8:45 am]
BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 661

[Docket No. 900511–0111]

Ocean Salmon Fisheries Off the Coasts of Washington, Oregon, and California

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of reopening.

SUMMARY: NOAA announces the reopening of the ocean commercial salmon fishery in the exclusive economic zone (EEZ) from Leadbetter Point, Washington, to Cape Falcon, Oregon, for two days, on September 18–19, 1990. This fishery was closed at midnight, September 14, 1990. Evaluation of landings data following closure of the fishery indicates that sufficient coho salmon remain to allow an additional two days of fishing. This action is intended to maximize the harvest of coho salmon in this subarea without exceeding the ocean share of salmon allocated to the commercial fishery.

DATES: Effective: Reopening of the EEZ to commercial salmon fishing from Leadbetter Point, Washington, to Cape Falcon, Oregon, is effective 0001 hours local time September 18, 1990, through 2400 hours local time September 19, 1990. Actual notice to affected fishermen was given prior to that time through a special telephone hotline and U.S. Coast Guard Notice to Mariners broadcasts as provided by 50 CFR 661.20, 661.21, and 661.23 (as amended May 1, 1989). Comments: Public comments are invited until October 9, 1990.

ADDRESSES: Comments may be mailed to Rolland A. Schmitten, Director, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070. Information relevant to this notice has been compiled in aggregate form and is available for public review during business hours at the office of the NMFS Northwest Regional Director.


SUPPLEMENTARY INFORMATION:

Regulations governing the ocean salmon fisheries at 50 CFR part 661 specify at § 661.219(a)(2) that if a fishery is closed under a quota before the end of a scheduled season based on overestimate of actual catch, the Secretary will reopen that fishery if the Secretary finds that a reopening of the fishery is consistent with the management objectives for the affected species and the additional open period is no less than 24 hours. Management measures for 1990 were effective on May 1, 1990 (55 FR 16894, May 7, 1990). The 1990 commercial fishery for all salmon in the subarea from Leadbetter Point, Washington, to Cape Falcon, Oregon, commenced on August 30, 1990, and closed at midnight, September 14, 1990, upon the projected attainment of the revised subarea quota of 23,600 coho salmon. Subsequent evaluation of landing data indicated that this closure was based on an overestimate of actual catch. According to the best available information, commercial catches through September 14, 1990 totaled 20,300 coho salmon, leaving 3,300 coho salmon available for harvest in the subarea coho quota. This amount of available coho salmon has been determined to be sufficient for an additional two days of fishing, on September 18–19, 1990. This action is being taken in as timely a manner as possible and is consistent with the management objectives for coho salmon in this subarea. As in the original season, Conservation Zone 1, the Columbia River mouth, is closed (55 FR 18994, May 7, 1990).

In accordance with the revised season notice procedures of 50 CFR 661.20, 661.21, and 661.23, actual notice to fishermen was given prior to 0001 hours local time, September 18, 1990, by telephone hotline number [206] 526–6667 and by U.S. Coast Guard Notice to Mariners broadcast on Channel 16 VHF–FM and 2182 KHz. NOAA issues this notice of the reopening of the commercial fishery in the EEZ from Leadbetter Point, Washington, to Cape Falcon, Oregon, which is effective 0001 hours local time September 18 through 2400 hours local time September 19, 1990. This notice does not apply to treaty Indian fisheries or to other fisheries which may be operating in other areas.

2. Amend § 17.11(h) by removing the entry under MAMMALS for the "Langur, Tonkin snub-nosed ([Pygathrix Rhinopithecus avunculus])" and by adding the following, in alphabetical order under MAMMALS, to the List of Endangered and Threatened Wildlife:

<table>
<thead>
<tr>
<th>Species</th>
<th>Common name</th>
<th>Scientific name</th>
<th>Historic range</th>
<th>Vertebrate population where endangered or threatened</th>
<th>Status</th>
<th>When listed</th>
<th>Critical habitat</th>
<th>Special rules</th>
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<td>MAMMALS</td>
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<tr>
<td>Monkey (=langur), Guizhou</td>
<td>* Rhinopithecus (=Pygathrix) brelichi ... China ................................ Entire ................................ E</td>
<td>1400 NA NA</td>
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<tr>
<td>Monkey (=langur), Sichuan</td>
<td>* Rhinopithecus (=Pygathrix) roxeliana. China ................................ Entire ................................ E</td>
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<tr>
<td>Monkey (=langur), Tonkin</td>
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<td>16,400 NA NA</td>
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<tr>
<td>Monkey (=langur), Yunnan</td>
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<td>1400 NA NA</td>
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