released (including the potential for it to be caught more than once), and the resulting impact to the river population of Atlantic salmon. In the case of aquaculture, the plan must include an assessment of the potential for Atlantic salmon to be taken as a result of ongoing aquaculture operations and an assessment of the possible impacts to the affected river population of Atlantic salmon.

(5) The plan should ensure that other measures that the Services may require as being necessary or appropriate will be provided. These measures should become apparent during plan development through coordination among the Services, the State and any other plan participants and will likely include terms and conditions for monitoring implementation of the plan to ensure that its requirements and the requirements of the Act are met.

(6) The Services are assured that the plan will be implemented. The plan should specify how the State agencies will exercise their existing authorities to adhere to the commitments made in the plan. Any violations could be a basis for revocation of the Services' concurrence with the plan.

Once approved by the Services, the conditions contained in the approved plan will be the conditions, pursuant to section 4(d), under which the incidental take of Atlantic salmon in the seven rivers would not be a violation of section 9.

The Services and the State will monitor the implementation of the plan and will conduct annual reviews to assess progress, identify problems and recommend corrective action. If the Services determine that the plan is not being effectively implemented, they will discuss their concerns with appropriate State officials and jointly determine the nature and timing of corrective action. If corrective action is not taken within 90 days of such discussion, plan approval may be revoked either partially or completely. The Services will publish the findings for such revocation in the Federal Register and provide for a 30day public comment period prior to revocation. Such revocation would result in reinstatement of the take prohibitions made applicable through 50 CFR 425.21(a)(1).

At this time, different procedures exist between the Services for authorizing the incidental take of listed species. The FWS provides such authorization through its Cooperative Agreement with the State of Maine under section 6 of the Act. The NMFS provides such authorization directly under section 10 of the Act. The language of the proposed rule at 50 CFR 425.21(b)(1) reflects the existing differences. It is the intent of the Services to ensure that these procedures are streamlined and to provide the public with a "one-stop" authorization process should this proposal be made final and an approved State Atlantic salmon conservation plan be implemented.

Available Conservation Measures

Conservation measures provided for species listed as endangered or threatened under the Act include recovery actions, Federal agency consultation requirements, and prohibitions on taking. Recognition through listing promotes conservation actions by Federal and State agencies and private groups and individuals.

Section 7(a)(4) of the Act requires that Federal agencies confer with the Services on any actions likely to jeopardize the continued existence of a species proposed for listing and on actions resulting in destruction or adverse modification of proposed critical habitat. For listed species, section 7(a)(2) requires Federal agencies to ensure that activities they authorize, fund, or conduct are not likely to jeopardize the continued existence of a listed species or to destroy or adversely modify its critical habitat. If a Federal action may adversely affect a listed species or its critical habitat, the responsible Federal agency must enter into formal consultation with the Services. Consultations will be conducted on a river-specific basis pursuant to identification of river specific recovery units within the DPS.

[•] Examples of Federal actions that may be affected by this proposal include U.S. Army Corps of Engineers (COE) section 404 permitting activities under the Clean Water Act, and COE section 10 permitting activities under the Rivers and Harbors Act.

In addition to the actions identified under Basis for Determination, the following general conservation measures could be implemented to help conserve the species. This list does not constitute the Services' interpretation of the entire scope of a recovery plan under section 4(f) of the Act.

(1) Further efforts could be made to ensure that water extractions and diversions for agriculture do not adversely affect habitat of DPS Atlantic salmon. In addition, all water diversion intake structures available to downstream migrating Atlantic salmon could be screened.

(2) Atlantic salmon aquaculture facilities located less than 20 km (12 miles) from the mouths of the Narraguagus, Pleasant, Machias, East Machias and Dennys rivers could be encouraged to implement stringent disease protocols, sterilize fish, change broodstock origin, mark net pen reared fish, install and maintain weirs at the mouths of rivers to exclude escaped aquaculture fish, and/or develop and implement plans to safeguard against the accidental release (escape) of aquaculture fish.

(3) Predator species could be controlled.

(4) For candidate species, or species of concern for FWS (see 60 FR 14410, March 17, 1995), restoration efforts will continue on the Penobscot and St. Croix rivers. Studies will be conducted to determine the presence, origin, and genetic composition of wild Atlantic salmon in the Kennebec, Penobscot, and St. Croix rivers, and Tunk Stream. An intensive survey of the Tunk Stream watershed is needed to determine if Atlantic salmon are still present. Better documentation of wild abundance and natural reproduction of Atlantic salmon is required for all four rivers.

Should the proposed listing be made final, protective regulations under the Act would be put into effect and a recovery program would be implemented. The Services recognize that to be successful, protective regulations and recovery programs for Atlantic salmon will need to be developed in the context of conserving aquatic ecosystem health. The Services, the State of Maine, and the private sector must cooperate to conserve the listed populations and the ecosystems upon which they depend. The Services encourage non-federal landowners to assess the impacts of their actions on Atlantic salmon. In particular, the Services acknowledge and fully support the ongoing efforts to involve stakeholders (industry representatives, landowner representatives, local and state governments and Federal biologists) through Project SHARE and the ad hoc task force to address aquaculture and wild stock interactions.

Critical Habitat

Critical habitat is defined in section 3 of the Act as: (1) The specific areas within the geographical area occupied by a species, at the time it is listed in accordance with the Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) that may require special management considerations or protection; and (2) specific areas outside the geographical area occupied by a species at that time it is listed upon a determination that such areas are essential for the conservation of the species.