

11. Since the *Inquiry* acknowledges that it may be desirable in the future to establish more systematic reporting procedures, it seeks comments on specific studies, survey methodologies, etc. that the Commission might undertake to gather the information that will enable it to prepare accurate and comprehensive reports. The *Inquiry* seeks comment on whether the Commission should adopt annual reporting requirements on various licensees providing multichannel video programming distribution services and on vertically integrated programming vendors, and what such reporting requirements should entail.

12. The *Inquiry* emphasizes that the Commission wishes to gather and compile all of this information without unduly burdening the information providers. Thus, the *Inquiry* seeks comment on the least intrusive means for gathering the necessary information and data.

Administrative Matters

Ex Parte. This is a non-restricted proceeding subject to 47 CFR § 1.1206(b)(2).'

Comments. Interested parties may file comments on or before June 29, 1994, and reply comments on or before July 29, 1994.

List of Subjects in 47 CFR Part 76

Cable television.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 227

[I.D. 050294D]

Listing Endangered and Threatened Species and Designating Critical Habitat: Petition To List Steelhead Throughout its Range in Washington, Oregon, California, and Idaho

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

ACTION: Notice of finding; request for comments.

SUMMARY: NMFS has received a petition to list steelhead (*Oncorhynchus mykiss*) throughout its range in Washington, Oregon, California, and Idaho and to

designate critical habitat under the Endangered Species Act of 1973 (ESA). In accordance with section 4 of the ESA, NMFS has determined that the petition presents substantial scientific information indicating that the request for a listing may be warranted. Therefore, NMFS is initiating a status review to determine if the petitioned action is warranted. To ensure that the review is comprehensive, NMFS is soliciting information and data regarding this action. Information received during the comment period for this status review will be used in NMFS' ongoing review of coastal steelhead populations in California, Oregon, and Washington (including Puget Sound).

DATES: Comments and information must be received by July 26, 1994.

ADDRESSES: Copies of the petition are available from, and comments should be submitted to, Merritt Tuttle, Chief, Environmental and Technical Services Division, NMFS, 911 NE 11th Avenue, Room 620, Portland, OR 97232.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, NMFS, Northwest Region (503) 230-5430; Jim Lecky, NMFS, Southwest Region, (310) 980-4015; or Marta Nammack, NMFS, Office of Protected Resources, (301) 713-2322.

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the ESA contains provisions allowing interested persons to petition the Secretary of the Interior or the Secretary of Commerce (Secretary) to add a species to or remove a species from the List of Endangered and Threatened Wildlife and to designate critical habitat. Section 4(b)(3)(A) of the ESA requires that, to the maximum extent practicable, within 90 days after receiving such a petition, the Secretary determine whether the petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted.

Petition Received

On February 16, 1994, the Secretary received a petition from the Oregon Natural Resources Council (ONRC) and 15 co-petitioners to list steelhead (*O. mykiss*) throughout its range in Washington, Oregon, California, and Idaho and to designate critical habitat under the ESA. The Assistant Administrator for Fisheries, NOAA, (AA) found that the petition presents substantial scientific information indicating that a listing may be warranted based on the criteria specified in 50 CFR 424.14(b)(2), and based on evidence presented in the

petition that the petitioned populations may qualify as a "species" under the ESA in accordance with NMFS' "Policy on Applying the Definition of Species Under the Endangered Species Act to Pacific Salmon" (56 FR 58612, November 20, 1991). Under section 4(b)(3)(B) of the ESA, this finding requires that a review of the status of steelhead populations in Washington, Oregon, California, and Idaho be conducted to determine if the petitioned action is warranted. In keeping with section 4(b)(3)(B) of the ESA, the Secretary will make his determination on the ONRC *et al.* petition within 12 months of February 16, 1994, the date it was received..

Ongoing Status Review

On May 6, 1992, the Secretary received a petition from ONRC and ten co-petitioners to list the Illinois River (tributary to the Rogue River, Southern Oregon) winter steelhead and to designate critical habitat under the ESA. The AA determined that while "there is insufficient evidence to demonstrate that the Illinois River winter steelhead by themselves represent an evolutionary significant unit (ESU), and hence a 'species' under the ESA, Illinois River winter steelhead are undoubtedly part of a larger ESU whose extent has not yet been determined." Moreover, in light of the general decline in many West Coast populations of steelhead, NMFS initiated its own comprehensive status review that will assess steelhead populations in coastal streams of California, Oregon, and Washington (including Puget Sound). The first objective of the larger steelhead status review is to define the boundaries of the ESU that contain Illinois River winter steelhead and determine whether they are threatened or endangered. In accordance with section 4 of the ESA, NMFS published a notice of determination and request for information (58 FR 29390, May 20, 1993) on an expanded status review of coastal steelhead populations. Although the geographic scope of the ONRC *et al.* petition is similar to the area addressed in the ongoing NMFS coastal steelhead status review, additional information about steelhead populations east of the Cascade Mountain Range is needed. Therefore, information received during the comment period for the ONRC *et al.* petition will be used in NMFS' ongoing review of steelhead populations in coastal streams of California, Oregon, and Washington (including Puget Sound).

w. c Steelhead
ESA
ADMINISTRATIVE RECORD
I. A.

Listing Factors and Basis for Determination

Under section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. All listing determinations are made solely on the best scientific and commercial data available.

Biological Information Solicited

NMFS is soliciting information and comments concerning: (1) Whether or not the stocks qualify as a "species" under the ESA (56 FR 58612, November 20, 1991) and (2) whether or not the stocks are endangered or threatened based on the above listing criteria. Specifically, NMFS is soliciting information in the following areas: Migration timing and behavior of juvenile and adult steelhead; age structure of steelhead; interactions of steelhead with other salmonids; alteration of steelhead freshwater and marine habitats; disease epizootiology of steelhead; influence of historical and present hatchery fish releases on naturally spawning stocks of steelhead; and separation of hatchery and natural steelhead escapement. This information should address all steelhead populations in California, Oregon, Washington, Idaho, and British

Columbia. Because a very similar request for information was published in the May 20, 1993, Federal Register notice announcing NMFS' decision to conduct a review of coastal steelhead populations, it is not necessary for parties to submit the same information for this request. Copies of the petition are available (see ADDRESSES).

It is important to note that the determination to list a species is based solely on the best available scientific and commercial information regarding a species' status, without reference to possible economic or other impacts of such a determination (50 CFR 424.11(b)).

Critical Habitat

NMFS is also requesting information on areas that may qualify as critical habitat for Washington, Oregon, California, and Idaho stocks of steelhead (see also October 15, 1991, 56 FR 51684). Areas that include the physical and biological features essential to the recovery of the species should be identified. Areas outside the present range should also be identified if such areas are essential to the recovery of the species. Essential features should include, but are not limited to: (1) Space for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS is requesting information describing: (1) the activities that affect the area or could be affected by the designation, and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation.

The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact "of the (critical habitat) designation upon proposed or ongoing activities" (50 CFR 424.19). NMFS must consider the incremental costs specifically resulting from a critical habitat designation that are above the economic effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitats.

Data, information, and comments should include: (1) Supporting documentation such as maps, bibliographic references, or reprints of pertinent publications, and (2) the commentator's name, address, and association, institution, or business.

Dated: May 20, 1994.

William W. Fox, Jr.,
Director, Office of Protected Resources,
National Marine Fisheries Service.

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