

considered by the Commission before final action is taken in this proceeding. To file formally in this proceeding, participants must file an original and four copies of all comments, reply comments, and supporting comments. If participants want each Commissioner to receive a personal copy of their comments, an original plus nine copies must be filed. Comments and reply comments should be sent to Office of the Secretary, Federal Communications Commission, Washington, DC 20554. Comments and reply comments will be available for public inspection during regular business hours in the FCC Reference Center (room 239) of the Federal Communications Commission, 1919 M Street, NW., Washington, DC 20554.

List of Subjects in 47 CFR Part 2

Frequency allocations and radio treaty matters; General rules and regulations, Radio.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 92-29161 Filed 12-1-92; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 92-246; RM-8091]

Television Broadcasting Services; Ridgecrest, CA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission seeks comments on a petition for rule making filed by Valley Public Television, Inc., licensee of educational television Station KVPT, Channel *18, Fresno, California, requesting the substitution of Channel *41 for Channel *25 at Ridgecrest, which is reserved for noncommercial educational use, or alternatively, the placement of a site restriction on Channel *25 at Ridgecrest to accommodate Valley's application site for Channel *39 at Bakerfield. The proposed coordinates for Channel *41 at Ridgecrest are North Latitude 35-37-22 and West Longitude 117-40-29. The proposed coordinates for Channel *25 are North Latitude 35-38-58 and West Longitude 117-33-24.

DATES: Comments must be filed on or before December 28, 1992, and reply comments on or before January 12, 1993.

ADDRESSES: Federal Communications Commission, Washington DC 20554. In addition to filing comments with the

FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Lonna M. Thompson, Esq. and Richard Hildreth, Esq., Fletcher, Heald & Hildreth 1225 Connecticut Avenue, NW., suite 400, Washington, DC 20036-2679 (Counsel for Valley Public Television, Inc.).

FOR FURTHER INFORMATION CONTACT: Arthur D. Scrutchins, Esq., Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92-246, adopted October 5, 1992, and released November 5, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452-1422, 1990 M Street, NW., suite 640, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Television broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92-29156 Filed 12-1-92; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 920783-2183]

Designated Critical Habitat; Snake River Sockeye Salmon, Snake River Spring/Summer Chinook Salmon, and Snake River Fall Chinook Salmon

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

ACTION: Proposed rule.

SUMMARY: NMFS proposes to designate critical habitat for the Snake River sockeye salmon (*Oncorhynchus nerka*), Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) and Snake River fall chinook salmon (*Oncorhynchus tshawytscha*) pursuant to the Endangered Species Act of 1973 (ESA). The proposed critical habitat for Snake River sockeye salmon is: Alturas, Pettit, Redfish, Stanley, and Yellow Belly Lakes (including their inlet and outlet creeks); Alturas Lake Creek, and Valley Creek; the Salmon River from Alturas Lake Creek to its confluence with the Snake River; the Snake River from its confluence with the Salmon River to its confluence with the Columbia River; the Columbia River from its confluence with the Snake River to the Pacific Ocean. The proposed critical habitat for Snake River spring/summer chinook salmon is: The Grande Ronde, Imnaha, Salmon, and Tucannon subbasins; Asotin, Granite, and Sheep Creeks; the Snake River from its confluence with Sheep Creek to its confluence with the Columbia River; the Columbia River from its confluence with the Snake River to the Pacific Ocean. The proposed critical habitat for Snake River fall chinook salmon is: The Snake River below Hells Canyon Dam; the lower reaches of the Clearwater, Grande Ronde, Imnaha, Salmon, and Tucannon Rivers; Asotin Creek; the Columbia River from its confluence with the Snake River to the Pacific Ocean. In addition, the physical and biological features of the habitat that are essential to the conservation of the species and that may require special management consideration or protection are discussed in the preamble to this proposed rule. The direct nation-wide economic and other impacts resulting from this proposed critical habitat designation are expected to be minimal. The designation of critical habitat provides explicit notice to Federal agencies and the public that these areas and features are essential to the conservation of the species.

DATES: Comments must be received on or before February 1, 1993. See **SUPPLEMENTARY INFORMATION** for times and dates of public hearings.

ADDRESSES: Comments should be addressed to the Office of Protected Resources, F/PR2, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, or provided at any one of the public hearings. See **SUPPLEMENTARY INFORMATION** for locations of public hearings.

FOR FURTHER INFORMATION CONTACT:

Garth Griffin, NMFS, Endangered Species Branch, Environmental and Technical Services Division, 911 NE 11th Avenue, room 620, Portland, OR 97232, Telephone (503) 230-5430, or Patricia Montanio, NMFS, 1335 East-West Highway, Silver Spring, MD 20910, telephone (301) 713-2322.

SUPPLEMENTARY INFORMATION:**Background**

NMFS published its determination to list the Snake River sockeye salmon as endangered on November 20, 1991 (56 FR 58619), and Snake River spring/summer and fall chinook salmon as threatened on April 22, 1992 (57 FR 14653) under the ESA (16 U.S.C. 1531 *et seq.*). These fish have declined to a fraction of their historic abundance. Currently, Snake River sockeye salmon production occurs only in Redfish Lake. Snake River spring/summer chinook salmon are sparsely distributed throughout the Grande Ronde, Imnaha, Salmon, and Tucannon subbasins. Snake River fall chinook salmon production is primarily limited to the mainstem Snake River downstream of Hells Canyon Dam and the lower reaches of the Clearwater, Grande Ronde, Imnaha, Salmon, and Tucannon Rivers. All three species share the same migration route through the Snake and Columbia Rivers. Each species also resides, for a portion of its life, in the Pacific Ocean.

The geographic areas occupied by Snake River sockeye, spring/summer chinook, and fall chinook salmon throughout their life history overlap, and as a result, activities requiring special management considerations essential to the conservation of any one of these species could affect the conservation of the others. Therefore, to ensure that any designation of critical habitat is comprehensive and of optimum benefit to the complex of listed Snake River species, NMFS is designating critical habitat for all listed Snake River salmon species in a single proceeding.

Section 4(a)(3)(A) of the ESA requires that, to the maximum extent prudent and determinable, NMFS designate critical habitat concurrently with a determination that a species is endangered or threatened. At the time of the proposed listing determinations, critical habitat was not determinable because information necessary to perform the required analyses was not available. NMFS published Federal Register notices (October 15, 1991, 56 FR 51684) requesting biological and economic information on Snake River sockeye salmon and Snake River spring/

summer and fall chinook salmon. NMFS also convened a Biological Technical Committee and an Economic Technical Committee, comprised of concerned parties throughout the Pacific Northwest, to assure that available information on which to base any critical habitat determination is both accurate and complete. NMFS has considered all available scientific and economic information in making this proposal.

Definition of Critical Habitat

Critical habitat is defined in section 3(5) of the ESA as the specific areas within the geographical area occupied by the species on which are found those physical or biological features essential to the conservation of the species and which may require special management considerations or protection; and specific areas outside the geographical area occupied by the species upon a determination by the Secretary that such areas are essential for the conservation of the species.

Areas outside the species' current range can be designated only if a designation limited to the species' present distribution would be inadequate to ensure the conservation of the species. The term conservation, as defined in section 3(3) of the ESA, means to use and the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this Act are no longer necessary.

The criteria to be considered in designating critical habitat are specified under 50 CFR 424.12. NMFS considered the requirements of the species, including: (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 breeding, reproduction, or rearing of offspring; and, generally, (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

In addition, NMFS focused on and listed the known physical and biological features (primary constituent elements) within the designated area(s) that are essential to the conservation of the species and that may require special management considerations or protection. These essential features may include, but are not limited to, spawning sites, food resources, water quality and quantity, and riparian vegetation.

Consideration of Economic, Environmental, and Other Factors

The economic, environmental, and other impacts of a critical habitat designation were considered and

evaluated. NMFS identified present and anticipated activities that may adversely modify the area(s) being considered, or be affected by a designation. An area may be excluded from a critical habitat designation if NMFS determines that the overall benefits of exclusion outweigh the benefits of designation, unless the exclusion will result in the extinction of the species.

The impacts considered in this analysis are only those incremental impacts specifically resulting from a critical habitat designation, above the economic and other impacts attributable to listing the species or resulting from other authorities. Since listing a species under the ESA provides significant protection to the species' habitat, in many cases, the direct nation-wide economic and other impacts resulting from the critical habitat designation, over and above the impacts of the listing itself, are minimal (see Significance of Designating Critical Habitat section of this preamble). In general, the designation of critical habitat highlights geographical areas of concern and reinforces the substantive protection resulting from the listing itself.

Impacts attributable to listing include those resulting from the taking prohibitions under section 9 of the ESA and associated regulations. "Taking" as defined in the ESA means to harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Harm can occur through destruction or modification of habitat (whether or not designated as critical) that significantly impairs essential behaviors, including breeding, feeding, rearing or migration. Impacts attributable to listing also result from the duty of Federal agencies under section 7 to ensure that their actions are not likely to jeopardize endangered or threatened species.

Significance of Designating Critical Habitat

The designation of critical habitat does not, in itself, restrict human activities within the area or mandate any specific management or recovery action. A critical habitat designation contributes to species conservation primarily by identifying critically important areas and by describing the features within those areas that are essential to the species, thus alerting public and private entities to the area's importance. Under the ESA, the only regulatory impact of a critical habitat designation is through the provisions of section 7. Section 7 applies only to actions with Federal involvement (e.g., authorized, funded, conducted), and

does not affect exclusively state or private activities.

Under the section 7 provisions, a designation of critical habitat would require Federal agencies to ensure that any action they authorize, fund or carry out is not likely to destroy or adversely modify designated critical habitat. Activities that adversely modify critical habitat are defined as those actions that "appreciably diminish the value of critical habitat for both the survival and recovery" of the species (50 CFR 402.02). Regardless of a critical habitat designation, Federal agencies must ensure that their actions are not likely to jeopardize the continued existence of the listed species. Activities that jeopardize a species are defined as those actions that "reasonable would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery" of the species (50 CFR 402.02). Using these definitions, activities that destroy or adversely modify critical habitat may also be likely to jeopardize the species. Therefore, the protection provided by a critical habitat designation generally duplicates the protection provided under the section 7 jeopardy provision. Critical habitat may provide additional benefits to a species in cases where areas outside the species' current range have been designated. When actions may affect these areas, Federal agencies are required to consult with NMFS under section 7, which may not have been recognized but for the critical habitat designation.

A designation of critical habitat provides a clear indication to Federal agencies as to when section 7 consultation is required, particularly in cases where the action would not result in direct mortality, injury, or harm to individuals of a listed species (e.g., an action occurring within the critical area when a migratory species is not present). The critical habitat designation, describing the essential features of the habitat, also assists in determining which activities conducted outside the designated area are subject to section 7 (i.e., activities that may affect essential features of the designated area).

A critical habitat designation will also assist Federal agencies in planning future actions, since the designation establishes, in advance, those habitats that will be given special consideration in section 7 consultations. With a designation of critical habitat, potential conflicts between Federal actions and endangered or threatened species can be identified and possibly avoided early in the agency's planning process.

Another indirect benefit of a critical habitat designation is that it helps focus Federal, state and private conservation and management efforts in those areas. Management efforts may address special considerations needed in critical habitat areas, including conservation regulations to restrict private as well as Federal activities. The economic and other impacts of these actions would be considered at the time of those proposed regulations, and therefore, are not considered in the critical habitat designation process. Other Federal, state and local authorities, such as zoning or wetlands and riparian lands protection, may also provide special protection for critical habitat areas.

Process for Designating Critical Habitat

In summary, developing a proposed critical habitat designation involves three main considerations. First, the biological needs of the species are evaluated and essential habitat areas and features identified. If there are alternative areas that would provide for the conservation of the species, these alternatives are also identified. Second, the need for special management considerations or protection of the area(s) or features are evaluated. Finally, the probable economic and other impacts of designating these essential areas as "critical habitat" are evaluated. After considering the requirements of the species, the need for special management, and the impacts of the designation, the proposed critical habitat is published in the Federal Register for comment. The final critical habitat designation, considering comments on the proposal and impacts assessment, is published within 1 year of the proposed rule. Final critical habitat designations may be revised, using the same process, as new information becomes available.

A description of the essential habitat, need for special management, impacts of designating critical habitat, and the proposed action are described in the following sections for Snake River sockeye, spring/summer chinook, and fall chinook salmon.

Essential Habitat of Snake River Sockeye, Spring/Summer Chinook, and Fall Chinook Salmon

Available biological information for listed Snake River salmon can be found in each species' Status Review (Matthews and Waples 1991, Waples *et al.* 1991a, Waples *et al.* 1991b), and in Federal Register notices of proposed listing determinations (sockeye salmon, April 5, 1991, 56 FR 14055; spring/summer chinook salmon, June 27, 1991, 56 FR 29542; fall chinook salmon, June

27, 1991, 56 FR 29547). Listed Snake River salmon habitat consists of four components: (1) Spawning and juvenile rearing areas; (2) juvenile migration corridors; (3) areas for growth and development to adulthood; and (4) adult migration corridors. The Pacific Ocean areas used by listed salmon for growth and development to adulthood are not well understood, and essential areas and features have not been identified.

Snake River sockeye salmon spawning and rearing is currently limited to Redfish Lake. Other historical nursery areas that are essential to the conservation of the species include Alturas, Pettit, Stanley, and Yellow Belly Lakes (including their inlet creeks). Essential features of these areas include adequate: (1) Substrate; (2) water quality; (3) water quantity; (4) water temperature; (5) food; (6) riparian vegetation; and (7) access. These fishes' juvenile migration corridors include these lakes' inlet and outlet creeks, Alturas Lake Creek and Valley Creek, the main fork of the Salmon River, the Snake River, and the Columbia River to the Pacific Ocean. Essential features of the juvenile migration corridors include adequate: (1) Substrate; (2) water quality; (3) water quantity; (4) water temperature; (5) water velocity; (6) cover/shelter; (7) food; (8) riparian vegetation; (9) space; and (10) safe passage conditions. The adult migration corridors are the same areas included in juvenile migration corridors. Essential features would include those in the juvenile migration corridors, excluding adequate food.

Snake River spring/summer chinook salmon spawning and rearing is currently sparsely distributed throughout the Grande Ronde, Imnaha, Salmon, and Tucannon subbasins, and Asotin, Granite, and Sheep Creeks. No areas outside of the species' current range are essential for their conservation. Essential features of spawning and juvenile rearing areas include adequate: (1) Substrate; (2) water quality; (3) water quantity; (4) water temperature; (5) cover/shelter; (6) food; (7) riparian vegetation; and (8) space. These fishes' migration corridors are the spawning and juvenile rearing areas, plus the Snake River, and the Columbia River to the Pacific Ocean. Essential features of the juvenile and adult migration corridors are the same as those listed for Snake River sockeye salmon.

Snake River fall chinook salmon spawning and rearing is currently limited to the Snake River below Hells Canyon Dam, and within the lower reaches of the Clearwater, Grand Ronde, Imnaha, Salmon, and Tucannon Rivers,

and Asotin Creek. No areas outside of the species' current range are essential for their conservation. Essential features of spawning and juvenile rearing areas are the same as for Snake River spring/summer chinook salmon. Juvenile and adult migration corridors are the same areas as spawning and juvenile rearing areas, plus the Columbia River to the Pacific Ocean. Essential features of the juvenile and adult migration corridors are the same as those listed for Snake River sockeye salmon.

Need for Special Management Considerations or Protection

In order to assure that the essential areas and features are maintained or restored, special management may be needed. Activities that may require special management considerations for listed Snake River salmon spawning and juvenile rearing areas include, but are not limited to: (1) Artificial propagation; (2) land management; (3) timber harvest; (4) water pollution; (5) livestock grazing; (6) habitat restoration; (7) irrigation withdrawal; (8) mining; and (9) road construction. For juvenile and adult migration corridors, special management considerations also include: (10) Migration barriers; (11) hydrosystem operation; (12) water storage; (13) dredging and dredge material disposal and placement of fill material; and (14) predator control. Not all these activities are necessarily of current concern; however, they indicate the potential types of activities that will require consultation in the future. For listed Snake River salmon in the ocean environment, no special management consideration of the ocean habitat have been identified.

Activities That May Affect the Essential Habitat

A wide range of activities may affect the essential habitat requirement of listed Snake River salmon (ETSD 1991a, 1991b). These activities include: Water management actions of Federal agencies (i.e., Bonneville Power Administration, U.S. Army Corps of Engineers, and the U.S. Bureau of Reclamation) and related or similar actions of other Federally regulated project operators (e.g., Idaho Power Company) in the Columbia River system; irrigation withdrawals in the Salmon River Basin permitted by the U.S. Bureau of Reclamation; livestock grazing allocations in the Snake River Basin by the U.S. Forest Service and U.S. Bureau of Land Management; timber sales in the Snake River Basin conducted by the U.S. Forest Service and the U.S. Bureau of Land Management; and planting anadromous salmonids and other fishes in the

Columbia River Basin by the U.S. Fish and Wildlife Service, the States of Oregon, Washington, and Idaho, and Indian Tribes. Other actions of concern include dredging and dredge material disposal and placement of fill material, and bank stabilization activities authorized and/or conducted by the U.S. Army Corps of Engineers throughout the Columbia River Basin.

The Federal agencies that most likely will be affected by this critical habitat designation include the Bonneville Power Administration, U.S. Army Corps of Engineers, U.S. Bureau of Land Management, U.S. Bureau of Reclamation, U.S. Fish and Wildlife Service, and the U.S. Forest Service. This designation will provide clear notification to these agencies, private entities, and the public of critical habitat designated for listed Snake River salmon and the boundaries of the habitat and protection provided for that habitat by the section 7 consultation process. This designation will also assist these agencies and others in evaluating the potential effects of their activities on listed Snake River salmon and their critical habitat, and in determining when consultation with NMFS would be appropriate.

Expected Impacts of Designating Critical Habitat

NMFS prepared an Environmental Assessment (EA) that describes the environmental and economic impacts of alternative critical habitat designations. The EA is based on the best available information, considering comments received in response to the Federal Register notice soliciting biological and economic information on critical habitat (October 15, 1991, 56 FR 51684).

The environmental benefit provided by designating critical habitat is the clear notification to Federal agencies and the public of the existence and importance of critical habitat. This proposed critical habitat identifies areas in the Columbia River Basin determined to be essential to the conservation of listed Snake River salmon and that may be in need of special management considerations or protection. Designation of critical habitat will have little direct impact on the water, air, or land or on the cultural or historical resources of the Columbia River Basin.

The University of Washington conducted a study under a grant from NMFS to project the economic costs and benefits resulting from specific management measures within areas potentially qualifying as critical habitat. This report provides information useful for the purposes of recovery planning, as well as critical habitat designation.

Assistance in the development of this report was solicited from the public (October 15, 1992, 56 FR 51684) and from an Economic Technical Committee comprised of entities throughout the Pacific Northwest. The resulting report presented to NMFS (Huppert *et al.* 1992) provided a broad scope of potential management measures and projected economic effects ranging between \$5.6 and 249 million annually, from which NMFS could partition the incremental costs attributable to a critical habitat proposal.

The economic costs to be considered in a critical habitat designation are the incremental costs of critical habitat designation above the economic impacts attributable to listing or attributable to authorities other than ESA (see Consideration of Economic, Environmental and Other Factors section of this preamble). NMFS has determined that there are no incremental net costs for areas within these species' current distribution. However, incremental costs do result from special management activities in areas outside the current distribution of the listed species that have been determined to be essential to the conservation of the species. For Snake River sockeye, only those impacts from special management activities in Alturas, Pettit, Stanley, and Yellow Belly Lakes and their inlet and outlet creeks (areas previously within the range of the species) are directly attributable to a critical habitat designation. Critical habitat designation of these areas may result in an estimated, one-time nation-wide economic impact of \$1.0 to 1.5 million, and estimated annual impacts ranging from \$66,618 to \$183,625 (Fluharty *et al.*, 1992). These estimated economic impacts may result from activities such as: Treating and buffering (one-time cost) sockeye salmon nursery lakes; providing access for juvenile and adult sockeye salmon to and from the nursery lakes; and eliminating potential competition and predation due to planted put-take salmonids. It should be noted that these costs will not be incurred immediately, and, since activities may not need to be conducted in all lakes simultaneously, the costs may be spread out over time. Plans for the timing of the needed habitat improvements will be developed through the recovery planning process, considering such factors as the current condition of the habitat, the time necessary for habitat improvements, and the plans for outplanting of smolts from the captive broodstock program or other sources.

A beneficial economic and social impact may also be realized from designating these areas as critical habitat from the establishment of a Tribal ceremonial and subsistence fishery upon the recovery of the sockeye. Moreover, it is estimated that a beneficial economic impact ranging from approximately \$6,000 to \$305,000 per year may be realized from an increase in non-consumptive uses (i.e., viewing sockeye spawning) upon the recovery of the Snake River sockeye salmon in the Stanley Basin (Fluharty *et al.*, 1992).

Proposed Critical Habitat; Essential Features

Proposed critical habitat for all listed Snake River salmon includes: Alturas, Pettit, Redfish, Stanley, and Yellow Belly Lakes (including their inlet and outlet creeks); Alturas Lake Creek and Valley Creek; the Grande Ronde, Imnaha, Salmon, and Tucannon subbasins; the lower reach of the Clearwater River; Asotin, Granite, and Sheep Creeks; the Snake River from Hells Canyon Dam to its confluence with the Columbia River; the Columbia River below its confluence with the Snake River to the Pacific Ocean. Critical habitat includes the bottom and water of the waterways and adjacent riparian zone. The riparian zone includes those areas belonging or relating to the bank of the river, stream, lake, or pond and those areas of or on the bank, including the flood plain of the body of water. Essential features of these areas include adequate: (1) Substrate; (2) water quality; (3) water quantity; (4) water temperature; (5) water velocity; (6) cover/shelter; (7) food; (8) riparian vegetation; (9) space; and (10) migration conditions.

NMFS considered including Pacific Ocean habitat in the proposed Snake River salmon critical habitat designation. To be considered critical habitat, the area must contain those features that are essential to the conservation of the species and that may require special management considerations. However, little is known about the distribution of salmon during their stay in the ocean. For Snake River salmon in particular, no special features or areas of the ocean habitat have been identified as essential for their conservation. Further, the need for special management considerations of the ocean habitat has not been identified. The only known human activity significantly affecting ocean survival of the listed species is harvest. However, while harvest affects the listed species by capturing and killing individuals, it is not known to affect

significantly the *habitat* of the fish. Federally regulated harvest activities are subject to the section 7 consultation provisions, and all harvest activities are subject to the taking prohibitions established under the ESA. Since no special areas, features or need for special management have been identified, designation of the entire Pacific Ocean would not provide any benefit to the listed species, and would result in unnecessary, additional section 7 consultations. For these reasons and based on the best available information, NMFS has determined that the Pacific Ocean does not qualify as critical habitat. NMFS will continue to monitor the ocean phase of the salmon's life history in an effort to identify areas that may be in need of special management. Should new information become available, critical habitat designation may be revised following the same procedures as the original designation.

Public Comments Solicited

NMFS is soliciting information, comments or recommendations on any aspect of this proposal from all concerned parties. NMFS will consider all information, comments and recommendations received before reaching a final decision. Public hearing dates have also been established (see DATES and ADDRESSES).

Classification

The Assistant Administrator for Fisheries, NOAA (Assistant Administrator), has determined that this is not a "major rule" requiring a regulatory impact analysis under E.O. 12291. The regulations are not likely to result in (1) an annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or (3) a significant adverse effect on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The General Counsel of the Department of Commerce has certified that the proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as described in the Regulatory Flexibility Act. NMFS completed an assessment of the economic impacts of designating critical habitat. NMFS found that since listing species under the ESA provides significant protection to the species habitat, the direct economic and other impacts resulting from critical habitat designation are

minimal. Therefore, a regulatory flexibility analysis is not required.

This rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

The Assistant Administrator has determined that the proposed designation is consistent to the maximum extent practicable with the approved Coastal Zone Management Programs of the states of Oregon and Washington. This determination has been submitted for review by the responsible state agencies under section 3.7 of the Coastal Zone Management Act.

NOAA Administrative Order 216-6 states that critical habitat designations under the ESA, generally, are categorically excluded from the requirement to prepare an EA or an environmental impact statement. However, in order to evaluate more clearly the impacts of the proposed critical habitat designation, NMFS has prepared an EA. Copies of the EA and critical habitat maps are available on request (see FOR FURTHER INFORMATION CONTACT).

The public hearings will begin at 7 p.m. and will end at 9:30 p.m. The hearings are scheduled as follows:

Monday, January 11, 1993

Federal Complex Auditorium, 911 NE 11th Avenue, Portland, Oregon (1st floor—rear entrance on 9th street)

Tuesday, January 12, 1993

Richland Federal Building Auditorium, 825 Jadwin Avenue, Richland, Washington

Wednesday, January 13, 1993

City Community Building, 1424 Main, Lewiston, Idaho

Thursday, January 14, 1993

Boise Interagency Fire Center Auditorium, 3905 Vista Avenue, Boise, Idaho

References

Huppert, Daniel D., David L. Fluharty, and Elizabeth S. Kenney. 1992. Economic Effects of Management Measures Within The Range of Potential Critical Habitat For Snake River Endangered and Threatened Salmon Species. Grant # R/MS-40, Washington Sea Grant College Program.

Environmental and Technical Services Division. 1991a. Factors for decline. A supplement to the notice of determination for Snake River spring/summer chinook salmon

under the Endangered Species Act. NMFS, Environmental and Technical Services Division, 911 NE 11th Ave., room 620, Portland, Ore. June, 1991.

Environmental and Technical Services Division. 1991b. Factors for decline. A supplement to the notice of determination for Snake River fall chinook salmon under the Endangered Species Act. NMFS, Environmental and Technical Services Division, 911 NE 11th Ave., room 620, Portland, Ore. June, 1991.

Fluharty, D., D. Huppert, and E. Kenney. 1992. Economics of critical habitat designation: Request for economic information on habitat designation measures. Unpubl. manuscript, 9 p. School of Marine Affairs, Univ. of Wash. Seattle, WA 98195.

Matthews G.M. and R.S. Waples. 1991. Status Review for Snake River Spring and Summer Chinook Salmon. U.S. Dep. Comm., NOAA Tech. Memo. NMFS F/NWC-200.

Waples, R.S., R.P. Jones, B.R. Beckman, and G.A. Swan. 1991a. Status Review for Snake River Fall Chinook Salmon. U.S. Dep. Comm. NOAA Tech. Memo. NMFS F/NWC-201.

Waples, R.S., O.W. Johnson, and R.P. Jones. 1991b. Status review for Snake River Sockeye Salmon. U.S. Dept. of Comm. NOAA Tech. Memo. NMFS F/NWC-195.

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: November 24, 1992.

William W. Fox, Jr.,

Assistant Administrator for Fisheries.

For the reasons set forth in the preamble, 50 CFR part 226 is proposed to be amended as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation for part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. A new § 226.22 is added to subpart C to read as follows:

§ 226.22 Snake River Sockeye Salmon (*Oncorhynchus nerka*), Snake River Spring/Summer Chinook Salmon (*Oncorhynchus tshawytscha*), Snake River Fall Chinook Salmon (*Oncorhynchus tshawytscha*).

The following waterways (rivers, streams, lakes, and ponds) include the

water, waterway bottom and adjacent riparian zone. Perennial rivers and creeks within the defined areas are also included in the critical habitat designation (but are not specifically named), unless otherwise noted.

(a) *The Columbia River—Oregon.* Beginning at a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine and riverine areas inland of that line that border and/or pass through: Clatsop County and continuing inland through Columbia County, Multnomah County, Hood River County, Wasco County, Sherman County, Gilliam County, Morrow County, and Umatilla County up to the Oregon/Washington border.

(b) *The Columbia River—Washington.* Beginning at a straight line connecting the west end of the Clatsop jetty (south jetty, Oregon side) and the west end of the Peacock jetty (north jetty, Washington side) and including all Columbia River estuarine and riverine areas inland of that line that border and/or pass through: Pacific County, Wahkiakum County, Cowlitz County, Clark County, Skamania County, Klickitat County, and Benton County to the confluence of the Snake River.

(c) *The Snake River—Oregon.* Beginning at the Oregon, Washington and Idaho border and proceeding upstream, all river reaches passing through or bordering on Wallowa County, Baker County and Malheur County up to the downstream face of Hells Canyon Dam.

(d) *The Snake River—Washington.* Beginning at the confluence of the Snake and Columbia Rivers and proceeding upstream, all river reaches bordering on or passing through: Walla County, Franklin County, Columbia County, Whitman County, Garfield County, and Asotin County up to the Washington and Idaho border.

(e) *The Snake River—Idaho.* Beginning at the Washington and Idaho

border and proceeding upstream, all river reaches passing through or bordering on: Nez Perce County, Idaho County, and Adams County to the downstream face of Hells Canyon Dam.

(f) *The Clearwater River—Idaho.* Beginning at the confluence of the Snake River and proceeding upstream, the lower reach of the Clearwater River passing through Nez Perce County, Lewis County, and Clearwater County. This includes only the mainstem river and not any perennial streams or tributaries.

(g) *The Salmon River—Idaho.* Beginning at the confluence of the Snake River and proceeding upstream, all river reaches bordering on or passing through: Nez Perce County, Lewis County, Idaho County, Adams County, Valley County, Lemhi County, Custer County, and Blaine County up to its headwaters.

(h) *The Grande Ronde River—Oregon.* Beginning at the Oregon/Washington state border and proceeding upstream, all river reaches bordering on or passing through: Wallowa County, Union County, and Umatilla County, up to its headwaters.

(i) *The Grande Ronde River—Washington.* Beginning at the confluence of the Snake River and proceeding upstream, all river reaches bordering on or passing through Asotin County up to the Washington/Oregon border.

(j) *Imnaha River—Oregon.* Beginning at the confluence of the Snake River and proceeding upstream, all river reaches bordering on or passing through Wallowa County and Baker County up to its headwaters.

(k) *Tucannon River—Washington.* Beginning at the confluence of the Snake River and proceeding upstream, all river reaches bordering on or passing through Columbia County and Garfield County up to its headwaters.

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