

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 99-3; RM-9427]

Radio Broadcasting Services; Rozel, KS**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Dana Puopolo, proposing the allotment of Channel 273A to Rozel, Kansas, as that community's first local aural transmission service. Coordinates used for this proposal are 38-11-42 NL and 99-24-24 WL.

DATES: Comments must be filed on or before March 8, 1999, and reply comments on or before March 23, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Dana J. Puopolo, 37 Martin Street, Rehoboth, MA 02769-2103.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-3, adopted December 30, 1998, and released January 15, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-1716 Filed 1-25-99; 8:45 am]

BILLING CODE 6712-01-P

FEDERAL COMMUNICATIONS COMMISSION**47 CFR Part 73**

[MM Docket No. 99-2; RM-9347]

Radio Broadcasting Services; Saltillo, MS**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Broadcasters & Publishers, Inc. requesting the allotment of Channel 275C3 to Saltillo, Mississippi, as that community's first local aural transmission service. Coordinates used for this proposal are 34-23-56 NL and 88-34-06 WL.

DATES: Comments must be filed on or before March 8, 1999, and reply comments on or before March 23, 1999.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Erwin G. Krasnow, Esq., Verner, Liipfert, Bernhard, McPherson and Hand, 901 -15th Street, NW., Suite 700, Washington, DC 20005.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 418-2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 99-2, adopted December 30, 1998, and released January 15, 1999. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857-3800.

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

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,*Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.*

[FR Doc. 99-1715 Filed 1-25-99; 8:45 am]

BILLING CODE 6712-01-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 the Vermilion Darter as Endangered****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of 90-day petition finding and initiation of status review.

SUMMARY: We (U.S. Fish and Wildlife Service) are announcing a 90-day finding for a petition to list the vermilion darter (*Etheostoma chermocki*) under the Endangered Species Act of 1973, as amended. We find that the petition presents substantial information indicating that listing this species may be warranted. A status review is initiated.

DATES: The finding announced in this document was made on January 7, 1999. Send your comments and materials to reach us on or before March 29, 1999. We may not consider comments received after the above date in making our decision for the 12-month finding.

ADDRESSES: You may submit data, information, comments, or questions concerning this petition to the Field Supervisor, U.S. Fish and Wildlife Service, Jackson Field Office, 6578 Dogwood View Parkway, Suite A, Jackson, Mississippi 39213. 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: Daniel J. Drennen, Biologist, at the above address (telephone 601-965-4900, extension 27).

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 we make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information demonstrating that the petitioned action may be warranted. We base the finding on all the information available to us at the time the finding is made. To the maximum extent practicable, we make the finding within 90 days of receipt of the petition, and promptly publish the finding in the **Federal Register**. If we find that substantial information was presented, we must promptly commence a status review of the species.

The processing of this petition conforms with our current listing priority guidance for fiscal years 1998 and 1999, published in the **Federal Register** on May 8, 1998 (63 FR 25502). The guidance gives highest priority (Tier 1) to processing emergency rules to add species to the Lists of Endangered and Threatened Wildlife and Plants (Lists); second priority (Tier 2) to processing final determinations on proposals to add species to the Lists, processing new proposals to add species to the Lists, processing administrative findings on petitions (to add species to the Lists, delist species, or reclassify listed species), and processing a limited number of proposed or final rules to delist or reclassify species; and third priority (Tier 3) to processing proposed or final rules designating critical habitat. Processing of this petition is a Tier 2 action.

We have made a 90-day finding on a petition to list the vermilion darter (*Etheostoma chermocki*) as endangered. Mr. Robert R. Reid, Jr. of Birmingham, Alabama, submitted the petition, dated July 22, 1998, which we received July 23, 1998. On August 18, 1998, we received supplemental information (dated August 12, 1998) on the species and a request from Dr. Paul D. Blanchard, of Samford University, in Birmingham, to be co-petitioner with Mr. Reid, at Mr. Reid's request.

The petition requested that we emergency list the vermilion darter as endangered. The petitioners stated that the vermilion darter merits listing because of its restricted range and threats to water quality, especially siltation. The petitioners requested

emergency listing due to the perceived immediate threats to the species' continued existence from the proposed construction of the Jefferson County jail, and expansion of the county land fill and sewage treatment plant near this species' habitat.

We have reviewed the petition, the literature cited in the petition, other literature, and information available in our files. Based on the best scientific information available, we find the petition presents substantial information that listing this species may be warranted. Emergency listing is allowed under the Act whenever immediate protection is needed to address a significant risk to the species' well being. Based on currently available information, emergency listing is not needed for the vermilion darter. The proposed jail, and expansion of the county land fill and sewage treatment plant are localized activities near the downstream extent of the species' range. We have determined that they do not pose an imminent threat of extinction to a significant portion of the total population.

The vermilion darter is found only in the Turkey Creek drainage, a tributary of the Locust Fork of the Black Warrior River, Jefferson County, Alabama (Boschung *et al.* 1992, Blanco *et al.* 1995, Mettee *et al.* 1996). Blanco *et al.* (1995) documented the vermilion darter's known range to 7.2 miles of the mainstem of Turkey Creek and the lowermost reaches of one tributary, Dry Creek. The historic population size of the vermilion darter is unknown and current population data is limited. There are localities with favorable concentrations of darters and others with few or none. In the 1960s and 70s, the vermilion darter was common at the Highway 79 bridge site but, by 1992, it had become very rare there (Boschung *et al.* 1992).

Habitat for the vermilion darter is similar to that for other snub-nosed darters typically found in small-sized clear streams with gravel riffles and moderate currents (Kuehne and Barbour 1983, Etinier and Starnes 1993). Boschung *et al.* (1992) described the streams as 3 to 20 meters (9.84 to 65.6 feet) wide, 0.01 to >0.5 meter (0.034 to >1.64 feet) in depth, with pools of moderate current alternating with riffles of moderately swift current. The riffles are of coarse gravel, cobble and small rubble, and the bottoms of the pools are rock, sand, and silt. The darter is absent from bedrock, but it does occur in bedrock-dominated areas with sand and gravel.

Impacts of point and non-point source pollution are the primary threats to the

survival of this species. The vermilion darter, being isolated and localized, is vulnerable to human-induced impacts to its habitat. Excessive sediments are believed to impact the habitat of darters and associated fish species by making it unsuitable for feeding and reproduction. Urbanization of the Turkey Creek watershed has likely contributed significantly to its sedimentation. The approximately 35 square mile Turkey Creek watershed drains 54,731 acres of Jefferson County, the most populous county in the state. A State highway divides the watershed and there is significant development (such as commercial, residential, and industrial) throughout the area. The creek has been noted to be brown-orange after heavy rains and completely muddy (Blanchard pers. comm. 1998). Implementation of the recently proposed Jefferson County jail would likely lead to increased sediment loading of the creek within the lower 2 miles of the known vermilion darter range (Boschung *et al.* 1992 and Blanco *et al.* 1995). Increased nutrient loading by sewage effluent has likely contributed to the eutrophication of the creek. Violations reported by Alabama Department of Environmental Management for the Turkey Creek Waste Water Plant (TCWWP) (Blanchard *in litt.* 1998) have shown elevated maximum values for fecal coliforms, while below the TCWWP, the creek has been altered by strip-mining and land fill.

We solicit information regarding occurrence and distribution of the species, threats to its continued existence, and any additional comments and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested parties concerning the status of the vermilion darter. Of particular interest is information regarding:

- (1) Additional historic and current population data which may assist in determining range and long term population trends;
- (2) Pertinent information on biology and life history;
- (3) Additional information about habitat requirements and stream water quality; and,
- (4) Information on immediate and distant ecological threats to the vermilion darter, other fish species of the creek, and the watershed in general.

After consideration of additional information, submitted during the indicated time period (see **DATES** section), we will prepare a 12-month finding as to whether listing of the species is warranted.

References Cited

A complete list of all references cited herein, as well as others, is available upon request from the Jackson Field Office. See **ADDRESSES** above.

Author.

The primary author of this document is Daniel J. Drennen (see **ADDRESSES** section).

Authority

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

Dated: January 7, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99-1639 Filed 1-25-99; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AF34****Endangered and Threatened Wildlife and Plants: Proposed Threatened Status for the Santa Ana Sucker**

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the Fish and Wildlife Service, propose threatened status pursuant to the Endangered Species Act of 1973, as amended (Act), for the Santa Ana sucker (*Catostomus santaanae*). The species is threatened by potential habitat destruction, natural and human-induced changes in streamflows, urban development and related land-use practices, intensive recreation, the introduction of non-native competitors and predators, and demographics associated with small populations. This proposed rule, if made final, would invoke the Federal protection and recovery provisions of the Act for this fish species within the Los Angeles, San Gabriel, and Santa Ana River drainages.

DATES: We must receive comments from all interested parties by March 29, 1999. We must receive public hearing requests by March 12, 1999.

ADDRESSES: Send comments and materials concerning this proposal to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Paul J. Barrett, biologist, U.S. Fish and Wildlife Service, at the above address (or telephone 760-431-9440; facsimile 760-431-9624).

SUPPLEMENTARY INFORMATION:**Background**

The Santa Ana sucker (*Catostomus santaanae*) is a recognized full species and member of the sucker family (Catostoidae). The Santa Ana sucker was originally described as *Pantosteus santa-anae* by Snyder (1908, as in Moyle 1976). The genus *Pantosteus* was reduced to a subgenus of *Catostomus* and the hyphen omitted from the specific name in a subsequent revision of the nomenclature (Smith 1966). Moyle (1976) described the Santa Ana sucker as less than 16 centimeters (6.3 inches (in)) in length. The Santa Ana sucker is silvery below, darker along the back with irregular blotches, and the membranes connecting the rays of the tail are pigmented.

The Santa Ana sucker inhabits streams that are generally small and shallow, with currents ranging from swift (in canyons) to sluggish (in the bottomlands). All the streams are subject to periodic severe flooding (Moyle 1976). Santa Ana suckers appear to be most abundant where the water is cool (less than 22° Celsius) (72° Fahrenheit), unpolluted and clear, although they can tolerate and survive in seasonally turbid water (Moyle 1976, Moyle and Yoshiyama 1992). Santa Ana suckers feed mostly on algae, which they scrap off of rocks and other hard substrates. Larger fish generally feed more on insects than do smaller fish (Moyle 1976).

Santa Ana suckers generally live no more than 3 years (Greenfield *et al.* 1970). Spawning occurs from early April to early July. The peak spawning activity occurs in late May and June. Females produce approximately 4,000 to 16,000 eggs ranging in size from 78 millimeters (mm) (3.1 in) to 158 mm (6.2 in), respectively (Moyle 1976). The combination of early sexual maturity, protracted spawning period, and high fecundity should allow the Santa Ana sucker to quickly repopulate streams following periodic flood events that can decimate populations (Greenfield *et al.* 1970, Moyle 1976).

The native range of the Santa Ana sucker includes the Los Angeles, San Gabriel, and Santa Ana River drainage systems in Los Angeles, Orange, Riverside, and San Bernardino counties (Smith 1966). Although historic records are scarce, Santa Ana suckers presumably ranged from near the Pacific Ocean to the uplands in the Los Angeles

River in the San Gabriel River system, and to at least Pump House #1 (near the San Bernardino National Forest boundary) in the Santa Ana River (Swift *et al.* 1993; C. Swift, Loyola Marymount University, pers. comm. 1996). Within its native range, the species is now restricted to three noncontiguous populations—lower Big Tujunga Creek (Los Angeles River drainage), the East, West, and North Forks of the San Gabriel River (San Gabriel River drainage), and the lower and middle Santa Ana River (Santa Ana River drainage) (Moyle and Yoshiyama 1992). An introduced population also occurs in the Santa Clara River drainage system, Ventura and Los Angeles counties (Moyle 1976, Smith 1966, Swift *et al.* 1993). Although the Santa Ana sucker was described as common in the 1970s (Moyle 1976), the species has experienced declines throughout most of its range (Swift *et al.* 1993). The present distribution is as follows:

Los Angeles River system. Although historically present, the species may have been extirpated from the Los Angeles River (Swift *et al.* 1993). Santa Ana suckers are still found in portions of Big Tujunga Creek (a tributary of the Los Angeles River) below Big Tujunga Dam. Recent surveys downstream of Big Tujunga Dam found the species to be present but rare (fewer than 20 individuals collected at each site) in the vicinities of Delta Flat, Wildwood, and Big Tujunga Dam and abundant (an estimated 200 individuals collected) near Stoneyvale (M. Wickman, Angeles National Forest, *in litt.* 1996). The portions of Big Tujunga Creek occupied by the Santa Ana sucker constitute approximately 25 percent of the total remaining native range of the species. Approximately 60 percent of the range of the Santa Ana sucker in the Los Angeles River basin occurs on private lands. The remaining 40 percent of the range in the Los Angeles River basin occurs on Angeles National Forest lands managed by the U.S. Forest Service.

San Gabriel River system. In light of current threats and the prevailing absence of management, Moyle and Yoshiyama (1992) suggested that the only viable population of Santa Ana suckers existing within the species' native range occurs in the San Gabriel River drainage system. Dr. Tom Haglund (University of California, Los Angeles, *in litt.* 1996) reported surveys in 1995 below Morris Dam failed to locate any suckers. Therefore, in the San Gabriel River, the Santa Ana sucker appears extant only upstream of the confluence of the East, West, and North Forks of the San Gabriel River. Furthermore, the population of Santa Ana suckers in the