[FR Doc. 93-15861 Filed 7-2-93; 8:45 am]
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FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 93-177; FCC 93-315]

AM Directional Antennas

AGENCY: Federal Communications Commission.

ACTION: Notice of inquiry.

SUMMARY: The action being taken in this item is an inquiry into the policies and procedures governing proof-of-performance evaluations of antennas in the AM Radio Service. This action is necessary in order to determine what, if any, modifications would be appropriate to make to these policies and procedures in light of new technologies now available for such evaluations. The intended effect of the inquiry is to make AM antenna evaluations more accurate and, simultaneously, remove any unnecessary measurement burdens and/or expenses.

DATES: Comments due on or before August 20, 1993 and reply comments due on or before September 7, 1993.

FOR FURTHER INFORMATION CONTACT: Joseph M. Johnson, Mass Media Bureau, Engineering Policy Branch, (202) 632-9660.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Inquiry in MM Docket 93-177 adopted June 14, 1993 and released on June 29, 1993. The complete text of the Notice of Inquiry is available for inspection and copying during normal business hours in the FCC Reference Center, room 239, 1919 M St. NW., Washington, DC and may be purchased from the Commission's copy contractor, ITS, Inc., (202) 857-3800, 2100 M St. NW., Washington, DC 20037.

Synopsis of Notice of Inquiry

1. A petition for rulemaking was submitted by the technical consulting firms duTreil, Lundin & Rackley, Inc.; Hatfield & Dawson Consulting Engineers, Inc.; Lahm, Suffa & Cavell, Inc.; Moffet, Larson & Johnson, Inc.; and Silliman & Silliman requesting that the Commission initiate an inquiry into the policies and rules governing performance verification of AM Radio Service directional antenna arrays. Such arrays typically consist of two or more towers which are fed power from the AM station transmitter so as to direct the signal towards desired service areas and away from areas in which interference with other stations might occur. A proof of performance for a directional array involves actual measurements of antenna currents and other array parameters, and may necessitate adjustments to the array to bring it within the provisions of the Commission's rules and the terms and conditions specified on the station license.

2. The genesis of the Commission's regulatory structure for such arrays is the former Standards of Good Engineering Practice, dating from 1939. Although the Commission's rules governing AM arrays have been amended many times in the interim, no systematic reevaluation has taken place. Petitioners argue that the time for such a reevaluation has now arrived as a result of the development of numerous powerful computer models which calculate array patterns and other array parameters, and also because many AM arrays are now located in urban and suburban areas where measurement of array patterns is difficult and expensive.

3. The Commission concurs with Petitioner's arguments, especially in light of the recent adoption of MM Docket 87-267, which restructured the AM Service and made available new frequencies directly above the current AM band edge. As commenters in that proceeding noted, misadjustment of AM directional arrays was a major contributing cause of high interference levels in the current band and proper adjustment of any directional arrays licensed in the new band would be very important. For this reason, and because the Commission's regulations have not been comprehensively evaluated in light of recent technological developments, it would now be appropriate to initiate a Notice of Inquiry into this matter.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

William F. Caton,

Acting Secretary.

[FR Doc. 93-15829 Filed 7-2-93; 8:45 am]
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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; 90-Day Finding on and Commencement of Status Review for a Petition to List the Sacramento Splittail and Longfin Smelt

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of petition finding.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces a 90-day finding on a petition to list the Sacramento Splittail (*Pogonichthys macrolepidotus*) and longfin smelt (*Spirinchus thaleichthys*) under the Endangered Species Act of 1973, as amended (Act). The petition has been found to present substantial information indicating the requested action may be warranted. Through issuance of this document, the Service is commencing a formal review of the status of these species.

DATES: The finding announced in this document was made on June 24, 1993. Comments and materials related to this petition finding may be submitted to the Field Supervisor at the address below until further notice. All comments and materials should be submitted at the earliest possible date to ensure their use in the final decision.

ADDRESSES: Data, information, comments, or questions concerning the status of the petitioned species described below should be submitted to the Field Supervisor, Sacramento Field Office, Fish and Wildlife Service, 2800 Cottage Way, room E-1803, Sacramento, California 95825-1846. 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: Nadine R. Kanim at the above address (916/978-4866).

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1533), requires that the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information indicating that the petitioned action may be warranted. To the maximum extent practicable, this finding, is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in

the **Federal Register**. If the Service finds that a petition presents substantial information indicating that the requested action may be warranted, then the Service initiates a status review on that species. Section 4(b)(3)(B) of the Act requires the Service to make a finding as to whether or not the petitioned action is warranted within 1-year of the receipt of a petition that presents substantial information.

On November 5, 1992, the Fish and Wildlife Service received a petition from Mr. Gregory A. Thomas of the Natural Heritage Institute to add the Sacramento splittail (*Pogonichthys macrolepidotus*) and longfin smelt (*Spirinchus thaleichthys*) to the List of Endangered and Threatened Wildlife and to designate critical habitat for each species in the Sacramento and San Joaquin Rivers and the Sacramento-San Joaquin River Estuary (Delta), California. In his November 15, 1992, letter, Mr. Thomas identified the following eight organizations as having submitted the petition: American Fisheries Society, Bay Institute of California, Natural Heritage Institute, Planning and Conservation League, Save San Francisco Bay Association, Friends of the River, San Francisco Baykeeper, and the Sierra Club. The petition, supporting documentation, and other documents have been reviewed to determine if substantial information has been presented indicating that the requested action may be warranted. This notice constitutes the 90-day finding for the petition, in accordance with section 4(b)(3)(A) of the Endangered Species Act of 1973, as amended.

The Sacramento splittail is a large cyprinid that frequently reaches 12 inches in length (Moyle 1976; Eddy and Underhill 1983; Moyle and Yoshiyama 1992). Adults are characterized by an elongated body; small, blunt head; barbels usually present at the corners of the slightly subterminal mouth; and distinct nuchal hump. This species can be distinguished from other minnows in the Central Valley of California by the enlarged dorsal lobe of the caudal fin. Sacramento splittail are a dull, silvery-gold on the sides and olive-grey dorsally. During spawning season, the pectoral, pelvic, and caudal fins are tinged with an orange-red color. Males develop small white nuptial tubercles on the head. Because the Clear Lake splittail (*Pogonichthys ciscoids*) has been extinct since the early 1970's, the Sacramento splittail represents the only remaining species in its genus.

Sacramento splittail are endemic to California's Central Valley where they were once widely distributed (Moyle 1976, Moyle *et al.* 1989, Moyle and Yoshiyama 1992). In recent times, dams and diversions increasingly have restricted their upstream access to the large rivers, and the species is now most often found in the northern and western sections of the Delta, Suisun Bay, Suisun Marsh, and Napa Marsh.

Although primarily a freshwater species, the Sacramento splittail can tolerate salinities as high as 10 to 18 parts per thousand (ppt) (Moyle 1976, Moyle and Yoshiyama 1992). Spawning seems to be associated with rising water temperatures and occurs from late January to early July over flooded vegetation in the tidal freshwater and euryhaline habitats of Delta marshes and sloughs and slow moving reaches of the large rivers. The modifications of the structure, hydraulics, and hydrology of these habitats have negatively affected spawning habitat, nursery habitat, and migratory pathways. That is the primary reason for the decline of this species.

The longfin smelt (*Spirinchus thaleichthys*), a member of the true smelt family Osmeridae, can be distinguished from other smelts occurring in California by its long pectoral fins, incomplete lateral line, weak or absent striations on the opercular bones, low number of lateral line scales, and long maxillary bones (McAllister 1963, Miller and Lea 1972, Moyle 1976, Moyle and Yoshiyama 1992). The pectoral fins often extend as far as the base of the pelvic fins, and the maxillary bones reach underneath the eyes. This fish, which often reaches 6 inches in length, has translucent silver sides and an olive to iridescent pink back.

The longfin smelt is one of three species in its genus; the night smelt (*S. starksi*) occurs in California and the shishamo (*S. lanceolatus*) occurs in northern Japan (McAllister 1963). Because of its distinctive characteristics, the Delta population of longfin smelt was once described as a species separate from more northern populations (Moyle 1976, Moyle and Yoshiyama 1992). As presently described, this species' range extends from the Delta to Prince William Sound, Alaska. However, the resident Delta population is genetically isolated from the nearest known populations that occur in Humboldt Bay and the Klamath River estuary (Moyle 1976, Moyle and Yoshiyama 1992).

The longfin smelt is an anadromous euryhaline species, with a 2-year life cycle, that can tolerate salinities ranging from that of freshwater to pure sea water (Moyle 1976, Moyle and Yoshiyama 1992). Spawning occurs in freshwater over sandy-gravel substrates, rocks, or aquatic plants. Spawning may take place as early as November and extend into June, although the peak spawning period is from February to April. The principal nursery habitat for larvae are the productive waters of Suisun and San Pablo Bays. Adults are found mainly in Suisun, San Pablo, and San Francisco Bays although their distribution is shifted upstream in years of low river outflows. Sacramento-San Joaquin River outflow into the bays has been positively correlated with longfin smelt recruitment, possibly because higher outflow increases larval dispersal and the area available for rearing (Stevens and Miller 1983).

The petitioners seek protection under the Act for the Sacramento splittail because of the extreme constriction of its range compared with historical distribution and the accelerated decline in its abundance since the early 1980's. The number of Sacramento splittail in the California Department of Fish and Game (CDFG) 1992 fall mid-water trawl survey is the third lowest ever recorded in this survey's 24 year history (D. Sweetnam, CDFG, pers. comm., 1993). Once one of the most numerous fishes caught in trawl surveys of the Delta, abundance estimates indicate that the longfin smelt has experienced an exponential decline since 1982 (D. Sweetnam, CDFG, *in litt.*, 1992).

The petition and supporting information describe a variety of factors affecting the Delta ecosystem that have led to the decline of the Sacramento splittail, longfin smelt, and a suite of other fishes, including the federally threatened winter-run chinook salmon and delta smelt. Principal among these factors are the altered hydraulics and reduced outflow of the Delta caused by export of freshwater from the Sacramento and San Joaquin Rivers to the Federal and State water diversion projects. Additional threats to these species include: entrainment at pumping plants and in-Delta diversion sites, loss of spawning and nursery habitat as a consequence of draining and diking for agriculture and reduction in the availability of highly productive brackish water habitat, urban and agricultural pollution, inadequate regulatory mechanisms, introduction of exotic species, and the exacerbation of the effects of these factors as a result of 6 years of drought.

The Sacramento splittail is designated as a Category 2 candidate species by the Service (56 FR 58816) and is classified as a "Species of Special Concern" by the California Department of Fish and Game.

The petition has been reviewed by staff at the Sacramento Field Office in Sacramento, California, and the Regional Office in Portland, Oregon.

The Service finds that the petitioner has presented substantial information indicating that the requested action may be warranted. This finding is based on the scientific and commercial information contained in the petition, referenced in the petition, and otherwise available to the Service at this time.

This finding initiates a status review for this species. The Service would appreciate any additional data, comments, and suggestions from the public, other concerned governmental agencies, the scientific community, industry, or any other interested party concerning the status of this species.

References Cited

Eddy, S. and J.C. Underhill. 1983. How to Know the Freshwater Fishes, Third Ed. Wm. C. Brown Co. Publishers, Dubuque, Iowa. 215 pp.

McAllister, D.E. 1963. A revision of the smelt family, Osmeridae. Bull. Natl. Mus. Canada. 191. 53 pp.

Miller, D.J., and R.N. Lea. 1972. Guide to the coastal marine fishes of California. Calif. Dept. Fish Game Fish Bull. 157. 235 pp Addendum.

Moyle, P.B. 1976. Inland Fishes of California. Univ. of California Press, Berkeley, CA. 405 pp.

Moyle, P.B., and R.M. Yoshiyama. 1992. Fishes, aquatic diversity management areas, and endangered species: A plan to protect California's native aquatic biota. Draft report prepared for California Policy Seminar, Univ. of Calif., Berkeley, CA. July 1992. 196pp.

Moyle, P.B., J.E. Williams, and E.D. Wikramanayake. 1989. Fish Species of Special Concern of California. Final Report prepared for State of California Dept. of Fish and Game, Inland Fisheries Division. Rancho Cordova, CA. 222 pp.

Stevens, D.E., and L.W. Miller. 1983. Effects of river flow on abundance of young chinook salmon, American shad, longfin smelt, and Delta smelt in the Sacramento-San Joaquin river system. N. Amer. Jour. Fish Manage. 3: 425–437.

Author

The primary author of this notice is Nadine R. Kanim (see **ADDRESSES** section).

List of Subjects in 50 CFR Part 17

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

Authority: 16 U.S.C. 1361–1407; 17 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99-625, 100 Stat. 3500; unless otherwise noted.

Dated: June 24, 1993.

Richard N. Smith,

Acting Director, U.S. Fish and Wildlife Service.

[FR Doc. 93-15881 Filed 7-2-93; 8:45 am]

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