



B-283816

October 15, 1999

The Honorable John McCain  
Chairman  
The Honorable Ernest F. Hollings  
Ranking Minority Member  
Committee on Commerce, Science, and Transportation  
United States Senate

The Honorable Don Young  
Chairman  
The Honorable George Miller  
Ranking Minority Member  
Committee on Resources  
House of Representatives

Subject: Department of Commerce, National Oceanic and Atmospheric  
Administration: Endangered and Threatened Species; Threatened Status for  
Two Chinook Salmon Evolutionarily Significant Units (ESUs) in California

Pursuant to section 801(a)(2)(A) of title 5, United States Code, this is our report on a major rule promulgated by the Department of Commerce, National Oceanic and Atmospheric Administration (NOAA), entitled "Endangered and Threatened Species; Threatened Status for Two Chinook Salmon Evolutionarily Significant Units (ESUs) in California" (RIN: 0648-AM54). We received the rule on October 1, 1999. It was published in the Federal Register as a final rule on September 16, 1999. 64 Fed. Reg. 50394.

The final rule is a continuation of actions by NOAA under the Endangered Species Act concerning evolutionarily significant units of West Coast chinook salmon. In a series of four prior rules, which were the subject of a report by our Office on April 7, 1999, NOAA listed numerous ESUs of salmon as threatened. GAO/OGC-99-38. In those rules, NOAA noted that it was continuing to gather data regarding other ESUs and would make its determination in the future. This rule is the result of that further study and concludes that two additional ESUs should be listed as threatened.

NOAA has taken the same procedural steps in issuing this rule as it did in the issuance of the four prior rules. Our April 7 report found that NOAA complied with the applicable requirements of 5 U.S.C. 801(a)(1)(B)(i) through (iv). Accordingly, we

are not repeating the assessment in this report but refer the reader to the earlier one for specific information on NOAA's actions.

If you have any questions about this report, please contact James W. Vickers, Assistant General Counsel, at (202) 512-8210. The official responsible for GAO evaluation work relating to the subject matter of the rule is Jim Wells, Director, Energy, Resources, and Science Issues. Mr. Wells can be reached at (202) 512-3841.

Sincerely yours,

Robert P. Murphy  
General Counsel

Enclosure

cc: Mr. Andrew A. Rosenberg  
Deputy Assistant Administrator  
for Fisheries  
National Marine Fisheries Service  
Department of Commerce