

listing at this time. In particular, NMFS will conduct a thorough reevaluation of the status of the Puget Sound/Strait of Georgia and lower Columbia River/southwest Washington coast ESUs before the final listing determination. Although NMFS has concluded that information available at the present time is not sufficient to demonstrate that a listing is warranted for these ESUs, there is concern over the health of natural populations.

### Classification

The 1982 amendments to the ESA, in section 4(b)(1)(A), restrict the information that may be considered when assessing species for listing. Based on this limitation of criteria for a listing decision and the opinion in *Pacific Legal Foundation v. Andrus*, 675 F. 2d 825 (6th Cir., 1981), NMFS has categorically excluded all ESA listing actions from environmental assessment requirements of the National Environmental Policy Act under NOAA Administrative Order 216-6.

This proposed rule is exempt from review under E.O. 12866.

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