Agency, Region 5, Chicago, Illinois, 60604, (312) 886–6081.

SUPPLEMENTARY INFORMATION: For additional information, see the information provided in the Direct Final notice which is located in the Rules Section of this **Federal Register**. Copies of the USEPA's analysis are available for inspection at the following address: United States Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois, 60604. Telephone Jacqueline Nwia at (312) 886–6081 before visiting the Region 5 Office.

**Authority:** 42 U.S.C. 7401–7671q. Dated: July 25, 1995.

## Carol M. Browner,

Administrator.

[FR Doc. 95–19508 Filed 8–7–95; 8:45 am] BILLING CODE 6560–50–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 Kootenai River Population of the Interior Redband Trout as Threatened or Endangered

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of 90-day petition finding.

SUMMARY: The Fish and Wildlife Service (Service) announces a 90-day finding for a petition to list the Kootenai River population of the interior redband trout (*Oncorhynchus mykiss gairdneri*) under the Endangered Species Act of 1973, as amended. The Service finds that the petition did not present substantial scientific or commercial information indicating that the petitioned actions may be warranted, because it fails to substantiate that the interior redband trout of the Kootenai River are a distinct population segment.

DATES: The finding announced in this document was made on July 11, 1995. ADDRESSES: Data, information, comments, or questions concerning this petition should be submitted to the Field Supervisor, U.S. Fish and Wildlife Service, 4696 Overland Road, Room 576, Boise, Idaho, 83705. The petition, finding, and supporting data are available for public inspection, by appointment, during normal business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Patricia Klahr, staff biologist (refer to **ADDRESSES** section or telephone 208–334–1931).

# 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 the Service make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. This finding is to be based on all information available to the Service at the time the finding is made. To the maximum extent practicable, this finding is to be made within 90 days of the date the petition was received, and the finding is to be published promptly in the Federal Register.

The Service has made a 90-day finding on a petition to list the Kootenai River population of the interior redband trout (Oncorhynchus mykiss gairdneri). The petition, dated April 4, 1994, was submitted by Brendan M. McManus of the Biodiversity Legal Foundation of Boulder, Colorado, and Donald Kern of Kalispell, Montana, and was received by the Service on April 8, 1994. The petitioner requested the Service list the Kootenai River drainage population of interior redband trout within the contiguous United States as threatened or endangered and designate critical habitat concurrently with the listing. The petitioners state that the best scientific data available indicates that interior redband trout residing in the Kootenai River drainage of Montana, and possibly Idaho, constitutes a separate and distinct vertebrate population segment, appropriate for listing as threatened or endangered according to the Act. The petitioners submitted information about threats to the Kootenai River interior redband trout, including hybridization and competition with non-native trout species, loss of habitat from land and water use practices, and inadequacy of existing regulatory mechanisms. The petitioners state that hybridization with non-native or introduced trout may be the most serious threat to the long-term persistence of the interior redband trout in the Kootenai River drainage.

The interior redband trout is currently classified as a category 2 candidate species by the Service (59 FR 58982; November 15, 1994). Category 2 includes taxa for which information in the Service's possession indicates that listing is possibly appropriate but for which the Service lacks substantial information upon which to base a

proposal to list as endangered or threatened.

The Service has reviewed the petition, the literature cited in the petition, and other literature and information available in the Service's files. On the basis of the best scientific and commercial information available, the Service finds the petition does not present substantial information indicating that the petitioned action may be warranted because information is lacking to show that the interior redband trout of the Kootenai River are a distinct population segment under the Act.

There has been confusion regarding the taxonomic classification of interior redband trout (Behnke 1986, Behnke 1992). This confusion may be a result of similar morphological and meristic characteristics with other rainbow and cutthroat trout species (Berg 1987). It is further complicated by their diversity and adaptability, as "redband trout" are found in high mountain streams as well as in hot, arid desert drainages. Behnke (1992) refers to the interior redband trout as the Columbia River redband trout and describes their distribution as the Columbia River basin east of the Cascades to barrier falls on Kootenai, Pend Oreille, Spokane, and Snake Rivers; the upper Fraser River basin above Hell's Gate; and Athabasca River headwaters of the Mackenzie River basin.

The subspecies gairdneri includes resident stream populations, populations adapted to lakes (kamloops trout), and anadromous steelhead populations. Resident populations of Columbia River redband trout are found throughout the Columbia River basin east of the Cascades. The native trout of the Oregon and southern Idaho desert basins are considered to be a primitive form of redband trout derived from the Columbia River basin. Kamloops trout occur in lakes in the upper Columbia and upper Fraser basins. Anadromous steelhead populations ascending the Columbia River east of the Cascade Range and into the Salmon and Clearwater River drainages are also currently classified with redband trout (Behnke 1992).

The interior redband trout of the Kootenai River drainage exhibits two distinct life histories, a resident stream form of generally smaller fish and the larger lake dwelling kamloops form (Huston 1994; Behnke 1986; Behnke 1992). The Kootenai River drainage interior redband trout is on the northeastern periphery of the subspecies' range and is believed to be important as a potential source of diversity and adaptability (Doug