

residential subscribers as of September, 1996. The ten largest SMATV operators together pass 815,740 units. If we assume that these SMATV operators serve 50% of the units passed, the ten largest SMATV operators serve approximately 40% of the total number of SMATV subscribers. Because these operators are not rate regulated, they are not required to file financial data with the Commission. Furthermore, we are not aware of any privately published financial information regarding these operators. Based on the estimated number of operators and the estimated number of units served by the largest ten SMATVs, we tentatively conclude that a substantial number of SMATV operators qualify as small entities.

18. *Description of Projected Reporting, Recordkeeping and other Compliance Requirements.* In order to implement the Satellite Home Viewer Improvement Act of 1999, the Commission has proposed to add new rules and modify others. We have yet to determine whether to amend existing provisions of the Commission's rules, or to adopt some other regulatory framework or procedures concerning retransmission consent. There are certain compliance requirements involving the retransmission consent agreement process. Foremost is that entities most likely will have to participate in a negotiation process. There may be costs relating to the time and effort involved in discussions, in crafting, and possibly in achieving an agreement. In certain circumstances, there may be costs associated with hiring accounting or engineering personnel, as there may be instances where entities may have to provide detailed information relating to such aspects of their particular operations. Conversely, research may have to be conducted and information may have to be obtained on other entities' operations. All such data may be key to a negotiation and a retransmission consent agreement.

19. In terms of recordkeeping, entities most likely will have to keep a record of their election status and entities may be required to maintain such information within their business environment and may also have to file such information with the Commission. As discussed in the Notice, however, it is unclear what records or recordkeeping would be required of entities relating to the good faith negotiation and exclusive carriage aspects of a retransmission consent agreement. At this time, small businesses might not be impacted differently, but we seek comment on these and the above matters.

20. *Steps Taken To Minimize Significant Impact on Small Entities, and Significant Alternatives Considered.* The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives: (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption

from coverage of the rule, or any part thereof, for small entities.

21. As indicated above, the Notice proposes to implement certain aspects of the Satellite Home Viewer Improvement Act of 1999. Among other things, the new legislation requires television broadcasters, until 2006, to negotiate in good faith with satellite carriers and other multichannel video programming distributors ("MVPDs") with respect to their retransmission of the broadcasters' signals, and prohibits broadcasters from entering into exclusive retransmission agreements. This document also discusses implementing regulations relating to the exercise by television broadcast stations of the right to grant retransmission consent to satellite carriers and other MVPDs.

22. This legislation applies to small entities and large entities equally. However, in terms of the election process, in the Notice we specifically ask whether there are any statutory, regulatory, or technical differences between any of the MVPDs that would justify different election schemes. The Commission acknowledges that consideration should be given to possible differences in services. There may be established a different election process timetable or compliance requirement, and also possibly a different filing requirement, among the different MVPDs. In the Notice, however, the possible distinction in treatment was not related to the size of the entity. At this time, small entities are not treated differently and might not be impacted differently, but we seek comment.

23. *Federal Rules Which Duplicate, Overlap, or Conflict with the Commission's Proposals.* None.

[FR Doc. 99-33764 Filed 12-28-99; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018-AF43

Endangered and Threatened Wildlife and Plants; Reopening of the Comment Period on the Proposed Delisting of the Douglas County Population of the Columbian White-Tailed Deer

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of reopening of comment period.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), pursuant to the Endangered Species Act of 1973, as amended (Act), provide notice of the reopening of the comment period for the proposed delisting of the Douglas County, Oregon population of the Columbian white-tailed deer (*Odocoileus virginianus leucurus*). The

comment period has been reopened in order to provide the three independent peer reviewers an opportunity to review previous public comments, and any additional public comments, on the proposed rule.

DATES: Comments from all interested parties must be received by January 13, 2000.

ADDRESSES: Written comments, materials, data, and reports concerning this proposal should be sent to the Supervisor, U.S. Fish and Wildlife Service, Southwest Oregon Field Office, 2900 NW Stewart Parkway, Roseburg, Oregon 97470. Comments and materials received will be available for public inspection, by appointment, during normal business hours, at the above address.

FOR FURTHER INFORMATION CONTACT:

David Peterson, at the address listed above (telephone 541/957-3474; facsimile 541/957-3475).

SUPPLEMENTARY INFORMATION:

Background

The Columbian white-tailed deer (*Odocoileus virginianus leucurus*) resembles other white-tailed deer subspecies, ranging in size from 39 to 45 kilograms (kg) (85 to 100 pounds (lbs) for females and 52 to 68 kg (115 to 150 lbs) for males. Generally a red-brown color in summer, and gray in winter, the species has white rings around the eyes and a white ring just behind the nose. Its tail is long and triangular in shape, and is brown on the dorsal (upper) surface, fringed in white, and the ventral (under) portion is white (Oregon Department of Fish and Wildlife (ODFW) 1995). The species was formerly distributed throughout the bottomlands and prairie woodlands of the lower Columbia, Willamette, and Umpqua River basins in Oregon and southern Washington (Bailey 1936). It is the westernmost representative of the 38 subspecies of white-tailed deer. Early accounts suggested this deer was locally common, particularly in riparian areas along the major rivers (Gavin 1978). The decline in deer numbers was rapid with the arrival and settlement of pioneers in the fertile river valleys. Conversion of brushy riparian land to agriculture, urbanization, uncontrolled sport and commercial hunting, and perhaps other factors apparently caused the extirpation of this deer over most of its range by the early 1900s (Gavin 1984). Only a small herd of 200 to 400 animals in the lower Columbia River area of Clatsop and Columbia Counties, Oregon, and Cowlitz and Wahkiakum Counties, Washington, and a disjunct population of unknown size in Douglas County,

Oregon, survived. These two remnant populations are geographically separated by about 320 kilometers (km) (200 miles (mi)) of unsuitable or discontinuous habitat.

Population declines led to classification of this subspecies as endangered in 1967 under the Endangered Species Protection Act of 1966 (32 FR 4001). The subspecies was automatically included in the lists of threatened and endangered species when the Endangered Species Act was authorized in 1973 (16 U.S.C. 1531 *et seq.*). Prior to 1977, only the Columbia River population was listed as endangered since the Douglas County population was considered a black-tailed deer (*Odocoileus hemionus columbiana*) or a hybrid between the black-tailed deer and the Columbian white-tailed deer by the State of Oregon. In 1978, the State of Oregon recognized the white-tailed deer population in Douglas County as the Columbian white-tailed deer and prohibited hunting of white-tailed deer in that county (ODFW 1995). The Columbian White-tailed Deer Recovery Plan (Recovery Plan) was approved by us in 1976, and a revised version was approved in 1983 (Service 1983). Because of the distance between the Douglas County and Columbia River populations, and differences in habitats and threats, the Recovery Plan addresses the recovery of these two populations separately.

Crews (1939) estimated the population in the 1930s in Douglas County at 200 to 300 individuals within a range of about 78 square kilometers (sq km) (30 square miles (sq mi)). In 1970, ODFW estimated that 450 to 500 deer were present. By 1983, the number had increased to about 2,500 (Smith 1985). The population has continued to grow, and are presently estimated to be between 5,900 to 7,900 deer (ODFW 1999).

Along with this increase in numbers, the range also has expanded. The deer have expanded to the north and west in the last 10 years, and now occupy an area of approximately 800 sq km (308 sq mi) (ODFW 1995).

Most habitat for the Douglas County population is on private lands. Approximately 3,880 hectares (ha) (9,586 acres (ac)) of suitable habitat are presently considered secure on Federal, County and private lands. For the purpose of delisting, habitat is considered secure if it is protected by legally binding measures or law from adverse human activities for the foreseeable future.

The current total population size is estimated as approximately six times

the population size required for downlisting, which greatly reduces the risk to the population. It is also anticipated that as habitat management and restoration activities are implemented by the Bureau of Land Management, which contains the majority of secure lands, the carrying capacity and numbers of deer on these lands will increase accordingly. The Douglas County population has met the objectives in the Recovery Plan, and greatly exceeded the habitat objectives.

We published a proposed rule to delist the Columbian white-tailed deer on May 11, 1999 (64 FR 25263). The original comment period closed on June 25, 1999. We reopened the comment period on November 3, 1999 (64 FR 59729) to conduct a peer review of the proposal, and solicited the opinions of three appropriate and independent specialists regarding the data, assumptions, and supportive information presented for the Douglas County population of Columbian white-tailed deer, per our Interagency Cooperative policy for Peer Review in Endangered Species Act Activities (59 FR 34270). We are reopening the comment period again in order to provide the three independent peer reviewers an opportunity to review previous public comments, and any additional public comments, on the proposed rule.

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U. S. Fish and Wildlife Service. 1983.

Revised Columbian white-tailed deer recovery plan. Portland, Oregon. 75 pp.

Author

The primary author of this notice is Barbara Behan of the Regional Office, U.S. Fish and Wildlife Service, 911 NE 11th Avenue, Portland, Oregon 97232–4181 (telephone 503/231–6131).

Authority

The authority of this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Thomas J. Dwyer,

Regional Director, Fish and Wildlife Service.

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DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

RIN 1018–AF86

Endangered and Threatened Wildlife and Plants; Proposed Endangered Status for *Ambrosia pumila* (San Diego Ambrosia) from Southern California

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, propose to list *Ambrosia pumila* (San Diego ambrosia) as endangered under the Endangered Species Act of 1973, as amended (Act). This plant is restricted to San Diego and Riverside Counties, California and Baja California, Mexico, from Colton to Lake Chapala. *Ambrosia pumila* is primarily restricted to flat or sloping grasslands, often along valley bottoms or areas adjacent to vernal pools. This species is threatened by the following: destruction, fragmentation, and degradation of habitat by recreational and commercial development; highway construction and maintenance; construction and maintenance activities associated with a utility easement; competition from non-native plants; trampling by horses and humans; off-road vehicle (ORV) use; and inadequate regulatory mechanisms. This proposed rule, if made final, would extend protection under the Act to *Ambrosia pumila*.

DATES: Comments from all interested parties must be received by February 28, 2000. Requests for public hearings must be received by February 14, 2000.

ADDRESSES: If you wish to comment, you may submit your comments and