



DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 226

[Docket No. 260624-0152]

RIN 0648-BO44

Endangered and Threatened Wildlife and Plants; 12-Month Finding and Proposed Rule to Revise Critical Habitat Designation for Southern California Steelhead

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of 12-month petition finding; proposed rule; request for comments.

SUMMARY: We, NMFS, announce a 12-month finding on a petition to revise the critical habitat designation under the Endangered Species Act (ESA) for the Southern California steelhead (*Oncorhynchus mykiss*) distinct population segment (DPS). The petition from the United Water Conservation District (UWCD) requests the removal of an approximately 9-mile (14.5-kilometer (km)) stream reach from the confluence of Hopper Creek and the Santa Clara River to the face of Santa Felicia Dam. Based on our review of the best scientific and commercial data available, we find that the petitioned action to remove this reach from the critical habitat designation is warranted. Consequently, we are proposing to remove this reach from the critical habitat designation for Southern California steelhead.

DATES: Comments on this proposed rule must be received by [INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

ADDRESSES: A plain language summary of this proposed rule is available at <https://www.regulations.gov/docket/NOAA-NMFS-2025-0050>. You may submit

comments on this document, identified by NOAA-NMFS-2025-0050, by any of the following methods:

- *Electronic Submission:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Visit <https://www.regulations.gov> and type NOAA-NMFS-2025-0050 in the Search box. Click on the “Comment” icon, complete the required fields, and enter or attach your comments.

- *Mail:* Submit written comments to Protected Resources Division, NMFS West Coast Region. 1201 Northeast Lloyd Boulevard, Suite 1100. Portland OR 97232. Attention: Southern California Steelhead Critical Habitat Revision.

Instructions: Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered by NMFS. All comments received are a part of the public record and will generally be posted for public viewing on <https://www.regulations.gov> without change. All personal identifying information (e.g., name, address), confidential business information, or otherwise sensitive information submitted voluntarily by the sender will be publicly accessible. NMFS will accept anonymous comments (enter “NA” in the required fields if you wish to remain anonymous).

The petition, **Federal Register** notices, and the list of documents supporting and cited in this proposed rule are available online at <https://www.fisheries.noaa.gov>.

FOR FURTHER INFORMATION CONTACT: Robert Markle, NMFS West Coast Region, robert.markle@noaa.gov or 503-230-5419; or Lisa Manning, NMFS Office of Protected Resources, lisa.manning@noaa.gov or 301-427-8466.

SUPPLEMENTARY INFORMATION:

Background

The ESA defines critical habitat under section 3(5)(A) as: “(i) the specific areas within the geographical area occupied by the species, at the time it is listed...on which

are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographical area occupied by the species at the time it is listed...upon a determination by the Secretary that such areas are essential for the conservation of the species.” “Conservation” is defined in section 3(3) of the ESA as “the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the ESA] are no longer necessary” 16 U.S.C. 1532(3).

Section 4(b)(2) of the ESA requires NMFS to designate and revise critical habitat for listed species based on the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impact, of specifying any particular area as critical habitat. The Secretary of Commerce may exclude any particular area from critical habitat if he determines that the benefits of such exclusion outweigh the benefits of specifying such area as part of the critical habitat, unless he determines that the failure to designate such area as critical habitat will result in the extinction of the species concerned.

The ESA provides that NMFS may, from time-to-time, revise critical habitat as appropriate (section 4(a)(3)(A)(ii)). In accordance with section 4(b)(3)(D)(i) of the ESA, to the maximum extent practicable, within 90 days of receipt of a petition to revise critical habitat, the Secretary of Commerce is required to make a finding as to whether that petition presents substantial scientific or commercial information indicating that the petitioned action may be warranted, and to promptly publish such finding in the **Federal Register**. Within 12 months after receiving a petition that is found under section 4(a)(3)(D)(i) to present substantial information indicating that the requested revision may be warranted, the Secretary shall determine how he intends to proceed with the requested revision and shall promptly publish notice of such intention in the **Federal Register**.

Current Critical Habitat Designation

The Southern California steelhead DPS was listed as endangered under the ESA in 1997 (62 FR 43937, August 18, 1997). The listed entity is described as naturally spawned anadromous *O. mykiss* (steelhead) originating below natural and manmade impassable barriers from the Santa Maria River to the U.S.-Mexico Border.

Critical habitat was designated for this DPS in 2005 (70 FR 52488, September 2, 2005) (2005 final rule). Of the estimated 741 stream miles (1,192 km) accessible to Southern California steelhead (NMFS 2005a, Final Assessment of NOAA's National Marine Fisheries Service Critical Habitat Analytical Review Teams for 7 Evolutionarily Significant Units of Pacific Salmon and Steelhead in California), 708 miles (1,139 km) were designated as critical habitat. The designation identified the physical or biological features (PBFs) essential for the conservation of steelhead (although at the time, these habitat features were referred to as "primary constituent elements;" see 81 FR 7414, February 11, 2016), which include:

(1) freshwater spawning sites with water quantity and quality conditions and substrate supporting spawning, incubation, and larval development;

(2) freshwater rearing sites with water quantity and floodplain connectivity to form and maintain physical habitat conditions and support juvenile growth and mobility; water quality and forage supporting juvenile development; and natural cover such as shade, submerged and overhanging large wood, log jams and beaver dams, aquatic vegetation, large rocks and boulders, side channels, and undercut banks; and

(3) freshwater migration corridors free of obstruction and with water quantity and quality conditions and natural cover such as submerged and overhanging large wood, aquatic vegetation, large rocks and boulders, side channels, and undercut banks supporting juvenile and adult mobility and survival.

Prior to proposing critical habitat for Southern California steelhead in 2005, we established a team of NMFS fishery biologists and habitat specialists to compile information regarding occupancy, identify occupied areas that contained the PBFs essential to conservation, determine whether the PBFs may require special management considerations or protection, identify the activities in those areas that may affect the PBFs, and evaluate whether any unoccupied areas may be essential for the conservation of this DPS. The team was referred to as the Critical Habitat Analytical Review Team (CHART). To delineate and map particular areas of critical habitat, the CHART used the State of California's CALWATER classification system for watersheds, including hydrologic subareas. To conduct an analysis under section 4(b)(2) of the ESA, the CHART also assessed and rated the relative conservation value of each particular area as High, Moderate, or Low. To arrive at these ratings, the CHART applied a uniform scoring system based on quality, quantity, and distribution of PBFs.

In its assessment (NMFS 2005a), the CHART gave the Santa Clara-Hopper Canyon-Piru Creek watershed (CAL WATER Hydrologic Subarea #440341), which includes the 9-mile river reach that is the subject of this proposed rule, a conservation value score of 11. This score was the minimum required for a "High" rating (NMFS 2005a). Next, NMFS completed a Final ESA Section 4(b)(2) report (NMFS 2005b) to assist us in evaluating the benefits of designating particular areas versus the benefits of excluding those areas given estimated economic impacts. As we weighed the benefits of each, we considered if the conservation rating should be adjusted for the purposes of the exclusion evaluation based on "section 7 leverage." This factor accounts for how likely a Federal action is to trigger consultation under section 7 of the ESA and lead to habitat modifications and thus yield conservation benefits. The economic analysis concluded that the Santa Clara-Hopper Canyon-Piru Creek watershed had "low" section 7 leverage (NMFS 2005b). Consequently, when considering exclusion of the Santa Clara-Hopper

Canyon-Piru Creek watershed from designation, the conservation rating for the watershed was adjusted and considered a “medium value habitat area” (NMFS 2005b). This adjustment for consideration of exclusion did not change the CHART’s final assessment regarding the high conservation value of the watershed.

Ultimately, the CHART determined that exclusion of the Santa Clara-Hopper Canyon-Piru Creek watershed from the critical habitat designation would impede conservation of the species (NMFS 2005b). As was noted in the CHART assessment, the inaccessible reaches above Santa Felicia Dam “may be essential to the conservation” of Southern California steelhead and preserving migratory access was found to be important (2005a). That evaluation formed the basis for designating the watershed, including the 9-mile reach now in question, as critical habitat. As described in the 2005 final rulemaking, we did not have information to determine that specific areas within the geographical area occupied by the species were inadequate to ensure the conservation of the DPS; thus, in accordance with the regulatory requirements at the time, we did not designate any unoccupied critical habitat (70 FR 52488; September 2, 2005).

Petition to Revise Critical Habitat

On March 21, 2025, NMFS received UWCD’s petition to revise the designated critical habitat for the Southern California steelhead DPS (UWCD 2025a). The petition sets forth several detailed arguments for removing a 9-mile reach (figure 1), which is composed of an approximately 3-mile (4.8-km) segment of the Santa Clara River (from its confluence with Hopper Creek upstream to its confluence with Piru Creek) and an approximately 6-mile (9.7-km) segment of lower Piru Creek (from its confluence with the Santa Clara River upstream to the base of Santa Felicia Dam), from the critical habitat designation (UWCD 2025a).

First, the petition asserts that the reach is not currently occupied by steelhead, nor was it at the time the DPS was listed under the ESA in 1997. Second, the petition

contends that the designated reach does not contain the PBFs essential for steelhead conservation. Specifically, the petition characterizes the habitat as a non-functional migration corridor because the impassable Santa Felicia Dam completely blocks upstream and downstream passage, thereby eliminating its utility for migration. The petition also states that the reach does not provide suitable spawning or rearing habitat, which it characterizes as severely degraded. Lastly, the petition asserts that the 2005 economic analysis was flawed because it significantly underestimated the economic impacts of the designation, particularly with respect to ongoing and future water management operations, supply, and maintenance activities that are constrained by the designation.

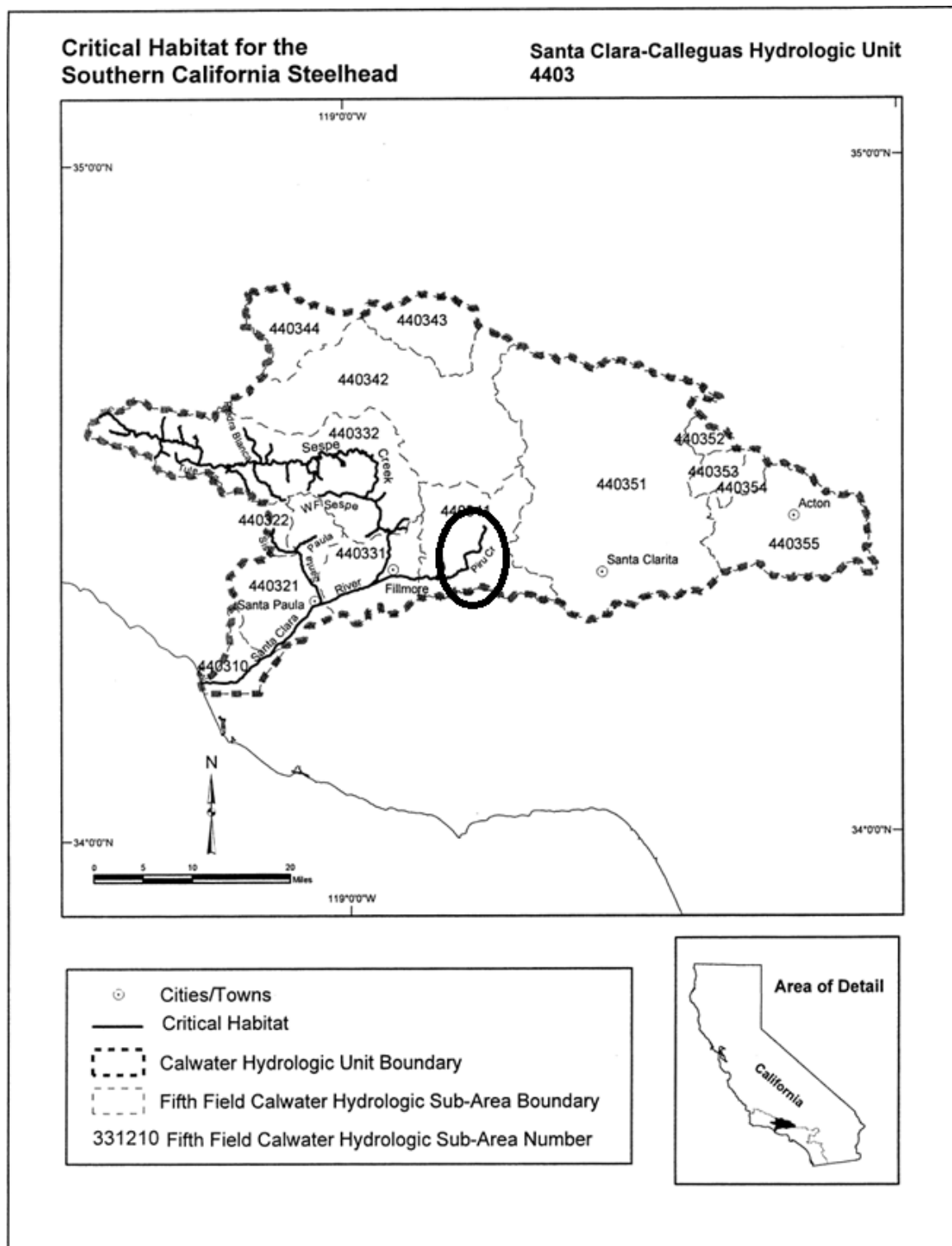


Figure 1 -- Map of the Santa Clara-Calleguas Hydrologic Unit 4403, which includes the Santa Clara-Hopper Canyon-Piru Creek watershed, CAL WATER Hydrologic Subarea #440341 (70 FR 52488; September 2, 2005). The circle denotes the subject 9-mile reach currently petitioned for removal from designation.

On July 11, 2025, we published a 90-day finding concluding the petition presented substantial scientific information that a revision of the designated critical habitat may be warranted (90 FR 30833, July 11, 2025). To ensure a comprehensive

review of the current critical habitat designation, we solicited relevant scientific and commercial information regarding the petitioned action.

Summary of Public Comments

In response to our request for information, we received 574 responses. Comments were received from UWCD, California Department of Fish and Wildlife, nongovernmental organizations, individuals, and anonymous submitters. The majority of responses included general comments expressing either support or opposition to the requested revision. Those in opposition to revising the critical habitat designation cited the need for species and habitat conservation and scientific integrity, as well as expressing other general concerns. Comments in support of revising the critical habitat designation were generally centered on concerns regarding economic burdens, regulatory overreach, and the scientific justification for the original designation. In some cases, commenters provided data to inform this 12-month finding (*e.g.*, fish presence/absence, habitat value), and that data is provided alongside other data NMFS used to inform this rulemaking in **Analysis of the Best Information** below. To access and review individual public comments, see **ADDRESSES**.

Analysis of the Best Available Information

In considering the petitioned action, we analyzed the information provided in the petition and public comments, as well as that contained in our files and scientific and commercial sources.

Occupancy

Our review of the best available information supports UWCD's assertion that the 9-mile reach in question was not occupied by the steelhead DPS at the time the DPS was listed. While the species was historically present in the upper Piru Creek drainage (NMFS 2008) and despite lower Piru Creek being periodically accessible, there are no records of steelhead observations within lower Piru Creek or the adjoining segment of the Santa

Clara River upstream of the Hopper Creek confluence since the construction of Santa Felicia Dam created an impassable barrier in 1955 (NMFS 2025, UWCD 2025a). The continued absence of steelhead in this particular area is supported by multiple surveys, such as those conducted in 2004 (FERC 2007) and more frequently in recent years (UWCD 2013, UWCD 2015, UWCD 2016, NMFS 2025).

While juvenile *O. mykiss* have been observed in lower Piru Creek below the Santa Felicia Dam (UWCD 2013, UWCD 2015, UWCD 2016, NMFS 2025), none have been determined to be listed steelhead. UWCD suggests these juvenile fish originated upstream and were washed over the dam. While this may be true for some of the individuals, reproduction by resident *O. mykiss* (*i.e.*, non-anadromous rainbow trout) below the dam is also a likely source.

No adult steelhead or redds have been observed in the subject 9-mile river reach since construction of the dam. In addition to juveniles, snorkel surveys observed *O. mykiss* greater than 16 inches in length in August 2013 and October 2016 (UWCD 2013, UWCD 2016, NMFS 2025). While the California Department of Fish and Wildlife considers *O. mykiss* greater than 16 inches in length found in anadromous waters to be steelhead for fisheries management purposes (CDFW 2026), size alone is insufficient to confirm anadromy in this context. Notably, these larger individuals were observed during months when adult steelhead are not typically present in freshwater based on their life history.

In Southern California, adult steelhead typically migrate to natal streams for spawning during December through May. Spawning may occur during December to June. Shortly following spawning, most adult steelhead die. However, unlike salmon, some adult steelhead survive and return to the ocean shortly after spawning. These surviving individuals, referred to as kelts, may spawn in subsequent years.

Kelt holdovers in estuaries and rivers are known to occur. In Southern California, this is likely involuntary, forced residency resulting from environmental factors that preclude downstream passage, such as subsurface flows that leave channels dry. The Santa Clara River between the towns of Fillmore and Piru often goes dry as surface flow is lost to percolation, particularly near Cavin Road downstream of the Piru Creek confluence (NMFS 2025).

Regardless, there are no descriptions of adult coloration or body form, nor are there analytical data (*e.g.*, strontium/calcium ratio, scale or otolith analysis, or parentage-based tagging) to verify anadromous life history or parentage for any of the observed *O. mykiss*. The limited number of photographs available of larger *O. mykiss* (greater than 12 inches) appear to show adult rainbow trout, not steelhead (UWCD 2015, UWCD 2016). Consequently, the *O. mykiss* are likely resident rainbow trout, which are known to occur in the reach and are not part of the listed DPS. Genetic analysis, had it been performed, would not have been definitive. While genetics can suggest a predisposition toward a certain life history, it cannot prove whether a fish or its parents were anadromous. Therefore, there is insufficient information to establish that any of the observed *O. mykiss* were steelhead; instead, it is more likely than not that they were rainbow trout.

While rainbow trout can produce steelhead progeny, the progeny of rainbow trout found above the dam do not qualify as part of the listed DPS, even if they are displaced downstream of the barrier and even if they are descendants of legacy anadromous parentage as indicated by Boughton and Garza (2008). Rather, the DPS is comprised solely of the direct progeny of adult anadromous *O. mykiss* that spawn below impassable barriers. There is no information to suggest that steelhead spawning has occurred in the 9-mile reach below the Santa Felicia Dam since its construction.

We recognize that several factors may influence the lack of steelhead records within this reach. First, fluctuating flows here and downstream may limit access; consequently, potential presence is likely periodic rather than annual. Second, given the low overall abundance of Southern California steelhead, any potential presence would be infrequent even under ideal conditions. Third, while monitoring efforts have increased since the species was listed, they have historically been limited. Nevertheless, despite these variables, the total absence of confirmed records since 1955 indicates that the reach is currently unoccupied and was so at the time of designation. Consequently, in the absence of observations of adult steelhead or steelhead redds, which would establish anadromous *O. mykiss* presence and provide the rationale that some observed juveniles may be of anadromous parentage, or analyses to definitively determine the parentage of observed juveniles below Santa Felicia Dam, steelhead presence in the subject 9-mile reach at the time of listing in 1997 cannot be verified, nor can presence be established in the time since listing.

Essential Features

Our review of the best available information also supports UWCD's assertion that the 9-mile reach in question does not contain the PBFs. Specifically, the best available information indicates that the subject reach provides poor quality spawning and rearing habitat, and little migration value. Numerous assessments have documented the poor quality of the habitat for spawning and rearing (NMFS 2005c, FERC 2007, NMFS 2008, NMFS 2012, CDFW 2025, NMFS 2025). Past assessments, including our 2008 and 2025 biological opinions on the Federal Energy Regulatory Commission's (FERC's) relicensing and improvement of the Santa Felicia Dam, have documented that the reach is characterized by altered hydrology, a coarse channel bed lacking sufficient spawning gravels, is subject to accumulations of fine sediment, and suffers from a lack of habitat complexity, instream cover, riparian vegetation, and deep pools that are necessary for

successful juvenile rearing (FERC 2007, NMFS 2008, CDFW 2025, NMFS 2025, UWCD 2025a). In correspondence during the relicensing process for the Santa Felicia Dam (NMFS 2005c), NMFS directly attributed the poor habitat quality to the dam, stating the reach has been “severely degraded as a result of the construction and operation of Santa Felicia Dam” and concluded that the resulting base flow regime is “unsuitable for the rearing of juvenile steelhead.” In 2025, NMFS similarly found that the Santa Felicia Dam continues to impair habitat conditions downstream (NMFS 2025). The migration value of the reach is similarly low as it provides access to poor quality habitat and ends at an impassable barrier. While the 2012 recovery plan identifies providing passage at the dam as a high-priority action (NMFS 2012), this remains a speculative, long-term goal with significant technical and financial hurdles. Thus, contrary to the assumptions at the time of designation that passage above the dams would occur, the reach does not constitute a migratory corridor to spawning and rearing habitat. Thus, we conclude that the 9-mile reach does not contain the freshwater spawning sites, freshwater rearing sites, and freshwater migration corridors essential to the conservation of the DPS, now or at the time of designation.

Unoccupied Critical Habitat

Under the ESA, unoccupied areas may be designated as critical habitat upon a determination that they are “essential for the conservation of the species” (16 U.S.C. 1532(5)(A)(ii)). Pursuant to regulations in 50 CFR 424.12(b)(2), after identifying areas occupied by the species at the time of listing, we identify, at a scale determined by the Secretary to be appropriate, specific areas outside the geographical area occupied by the species at the time of listing that the Secretary determines are essential for the conservation of the species. Such a determination must be based on the best scientific data available (50 CFR 424.12(b)(2)).

Given the subject reach's poor habitat value and its continued inability to provide access to higher quality habitat upstream that was never designated as critical habitat, and despite the "High" CHART rating for the larger Santa Clara-Hopper Canyon-Piru Creek watershed (CAL WATER Hydrologic Subarea #440341), the conservation value of the 9-mile reach in question is low. A final passage plan has yet to be agreed upon despite the fact that: (1) NMFS has previously determined that fish passage at the Santa Felicia Dam was, while alone insufficient, necessary to avoid jeopardy to the species (NMFS 2008); (2) the FERC license for the operation of Santa Felicia Dam requires implementation of the opinion (FERC 2008); and (3) UWCD has agreed to a preferred passage alternative (UWCD 2017). In fact, UWCD has stated that fish passage remains "far from reasonably certain or anticipated" and that a non-passage alternative (*e.g.*, habitat compensation) is a potential outcome (UWCD 2025b). Therefore, nearly 30 years after ESA listing and nearly 20 years after NMFS found the Santa Felicia Dam jeopardized the existence of Southern California steelhead, the subject 9-mile reach continues to provide access only to degraded spawning and rearing habitat and an impassable dam. Thus, we find that this unoccupied reach is not essential for the conservation of the species, as it is not of a quality that is beneficial to the species.

Although we made this finding pursuant to the ESA and regulations at 50 CFR 424.12, we note that on November 21, 2025, we issued a proposed rule to revise the regulations in 50 CFR 424.12 regarding the designation of unoccupied critical habitat (90 FR 52607) (2025 proposed rule). Specifically, we proposed that, in order for an unoccupied area to be considered essential, NMFS must determine that occupied areas would be inadequate to ensure the conservation of the species and that there is a reasonable certainty that the unoccupied area contains at least one PBF and will contribute to the conservation of the species. While our analysis under the 2025 proposed regulations would necessarily differ from in the one undertaken for the proposed revision

of steelhead critical habitat, we conclude that our finding would be the same (*i.e.*, that the 9-mile reach is not essential for the conservation of the Southern California steelhead DPS).

Economic Considerations

The petition presents significant concerns about the economic impact of the designation. In the 2005 final rule (70 FR 52488, September 2, 2005), the economic impact for the Hydrologic Sub-area containing the subject reach was estimated to be approximately \$322,647. The petition asserts that the actual economic impacts have far exceeded this estimate, totaling nearly \$75 million. This figure is composed of approximately \$64.6 million in lost water supply due to operational changes at Santa Felicia Dam and the cessation of diversions at the Piru Diversion, and an additional \$10 million in compliance costs associated with studies, consultations, and other requirements of the 2008 biological opinion for the Santa Felicia Dam license.

A formal re-analysis of these costs was not conducted as part of this finding. We are proposing to remove the subject 9-mile reach from the designated critical habitat because we have determined that this specific reach does not meet the definition of critical habitat. Consequently, an economic analysis under section 4(b)(2) of the ESA is not required.

Finding

After reviewing the petition, the 2005 final rule (70 FR 52488, September 2, 2005) and its supporting documents, and the best available scientific information, we find that the requested action to remove the critical habitat designation for the subject reach is warranted.

The best available science indicates that the Southern California steelhead DPS is not present in the subject reach, it did not occupy the subject reach at the time of listing, the reach does not contain the essential PBFs for Southern California steelhead DPS, nor

is it essential for the conservation of the DPS at this time. Its potential function is entirely dependent on future, large-scale actions to provide passage at Santa Felicia Dam and to modify water management operations to improve downstream habitat as articulated in the 2008 biological opinion and FERC's 2008 license. However, given it has been nearly 20 years and those actions to address the impacts of the Santa Felicia Dam have yet to be fully implemented, we conclude improvements are not reasonably certain to occur.

This finding has no implications regarding designated critical habitat downstream of the subject reach, section 9 protections, or protections provided under the California Endangered Species Act.

Proposed Rule

Based on the finding above, we are proposing to amend 50 CFR part 226 by removing from the critical habitat designation the approximately 9-mile reach composed of a segment of the Santa Clara River (from its confluence with Hopper Creek to its confluence with Piru Creek) and lower Piru Creek (from its confluence with the Santa Clara River upstream to the base of Santa Felicia Dam).

Request for Comment

We request that all interested parties submit written comments on this proposal. Furthermore, we are requesting any further information concerning this proposed rule, including:

1. Scientific data on steelhead (anadromous *O. mykiss*) presence in the subject 9-mile reach; and
2. Scientific data on habitat conditions in the subject 9-mile reach.

We request that all data and information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications.

Next Steps

Using the best available scientific and commercial data, including comments received in response to this proposed rule, we will make a decision on whether to issue a final rule revising the critical habitat designation for the Southern California steelhead DPS.

References Cited

For a complete list of the citations for the references used in this document are available (see **ADDRESSES** or **FOR FURTHER INFORMATION CONTACT**).

Classification

Executive Order 12630, Takings

Under Executive Order (E.O.) 12630, Federal agencies must consider the effects of their actions on constitutionally protected private property rights and avoid unnecessary takings of property. A taking of property includes actions that result in physical invasion or occupancy of private property, and regulations imposed on private property that substantially affect its value or use. In accordance with E.O. 12630, the proposed rule does not have significant takings implications. A takings implication assessment is not required. The designation of critical habitat affects only Federal agency actions (*i.e.*, those actions authorized, funded, or carried out by Federal agencies), and in this case the critical habitat designation would be removed from a 9-mile reach of critical habitat, thus reducing the regulatory effect. Therefore, the critical habitat revision does not result in a physical invasion or occupancy of private property, nor would it impose any regulatory burden on private property or its value or use.

Executive Orders 12866, Regulatory Planning and Review, and 14192, Unleashing Prosperity Through Deregulation

This proposed rule has been determined to be not significant for purposes of E.O. 12866. This proposed rule is expected to be an E.O. 14192 deregulatory action.

Executive Order 12988, Civil Justice Reform

In accordance with E.O. 12988, we have determined that this proposed rule does not unduly burden the judicial system and meets the requirements of section 3(a) and (b)(2) of the E.O. We are proposing to revise designated critical habitat in accordance with the provisions of the ESA. This proposed rule would remove the designation from a 9-mile stream segment.

Executive Order 13132, Federalism

This E.O. requires agencies to take into account any federalism impacts of regulations under development. It includes specific consultation directives for consultation in situations where a regulation will preempt state law or impose substantial direct compliance costs on state and local governments (unless required by statute). Pursuant to E.O. 13132, we determined that this proposed rule does not have significant federalism effects and that a federalism assessment is not required. However, in keeping with Department of Commerce policies and consistent with ESA regulations at 50 CFR 424.16(c)(1)(ii), we will request information for this proposed rule from the appropriate resources agencies.

Where state and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) is required. Should this proposed critical habitat revision be finalized, such consultation may no longer be required for effects within the removed 9-mile segment.

Regulatory Flexibility Act

Under the Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996, whenever an agency publishes a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the

effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The factual basis for this certification is as follows.

If implemented, this rule would remove a 9-mile stream segment from the critical habitat designation for Southern California steelhead. Removal of this area from the critical habitat designation would remove the existing regulatory requirement for Federal agencies to consult with NMFS on Federal actions that may affect this particular 9-mile stretch of habitat (*i.e.*, consultations that might have resulted in measures to avoid or reduce adverse effects on the habitat). Removal of this regulatory requirement would eliminate any potential costs that may stem from future Federal consultations under section 7 of the ESA that are specific to this particular portion of the Southern California steelhead critical habitat.

The removal of this critical habitat will result in no direct economic impacts on small entities. The requirement to consult applies to Federal agencies. However, depending on the nature of the particular Federal action or activity, applicants for Federal permits or authorizations (which could include small entities) may be impacted by consultations, and other third parties with an interest in a Federal action that is the subject of consultation may be indirectly impacted. Thus, while the removal of this critical habitat designation would not impose direct costs on small entities, small entities that are third parties to a Federal consultation may experience some minor positive economic impacts if this rule is finalized.

Coastal Zone Management Act

Under section 307(c)(1)(A) of the Coastal Zone Management Act (CZMA) (16 U.S.C. 1456(c)(1)(A)) and its implementing regulations, each Federal activity within or outside the coastal zone that has reasonably foreseeable effects on any land or water use or natural resource of the coastal zone shall be carried out in a manner which is consistent to the maximum extent practicable with the enforceable policies of approved State coastal management programs. We have determined, based upon our review of the relevant enforceable policies of California's coastal zone management plan, that this proposed rule revising the designation of critical habitat will have no reasonably foreseeable effects on the coastal uses or resources of California. Upon publication of this proposed rule, negative determinations prepared pursuant to 15 CFR 930.35 will be submitted to California for review.

Paperwork Reduction Act

This proposed rule contains no information collection requirements under the Paperwork Reduction Act of 1995.

Unfunded Mandates Reform Act

In accordance with the Unfunded Mandates Reform Act, we make the following findings:

(a) This proposed rule will not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute or regulation that would impose an enforceable duty upon State, local, tribal governments, or the private sector and includes both "Federal intergovernmental mandates" and "Federal private sector mandates." The removal of a 9-mile stream segment from designated critical habitat of Southern California steelhead does not impose an enforceable duty on non-Federal government entities or private parties.

(b) This action will reduce regulatory requirements, such as reducing the need for certain ESA section 7(a)(2) consultations on Federal actions that would otherwise be required (as discussed above in “Executive Order 13132, Federalism”). As such, we do not anticipate that this proposed rule will significantly or uniquely affect small governments. As such, a Small Government Agency Plan is not required.

Information Quality Act and Peer Review

Pursuant to the Information Quality Act (section 515 of Pub. L. 106-554), this information product has undergone a pre-dissemination review by NMFS. The signed Pre-dissemination Review and Documentation Form is on file with the NMFS West Coast Region Office in Portland, Oregon.

NMFS has determined that an environmental analysis as provided for under National Environmental Policy Act is not required for critical habitat designations made pursuant to the ESA. See *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995), cert. denied, 116 S.Ct. 698 (1996).

List of Subjects in 50 CFR Part 226

Endangered and threatened species.

Dated: June 24, 2026.

Samuel D. Rauch III,

Deputy Assistant Administrator for Regulatory Programs,

National Marine Fisheries Service.

For the reasons set out in the preamble, NMFS proposes to amend 50 CFR part 226 as follows:

PART 226—DESIGNATED CRITICAL HABITAT

1. The authority citation of part 226 continues to read as follows:

Authority: 16 U.S.C. 1533.

2. In § 226.211, revise paragraph (j)(5)(vi) to read as follows:

§ 226.211 Critical habitat for Seven Evolutionarily Significant Units (ESUs) of Salmon (*Oncorhynchus* spp.) in California.

* * * * *

(j) * * *

(5) * * *

(vi) *Santa Clara, Hopper Canyon, Piru Hydrologic Sub-area 440341*. Outlet(s) = Santa Clara River (Lat 34.3860, Long -118.8711) upstream to endpoint(s) in: Hopper Creek (34.4263, -118.8309); Santa Clara River (34.3860, -118.8372).

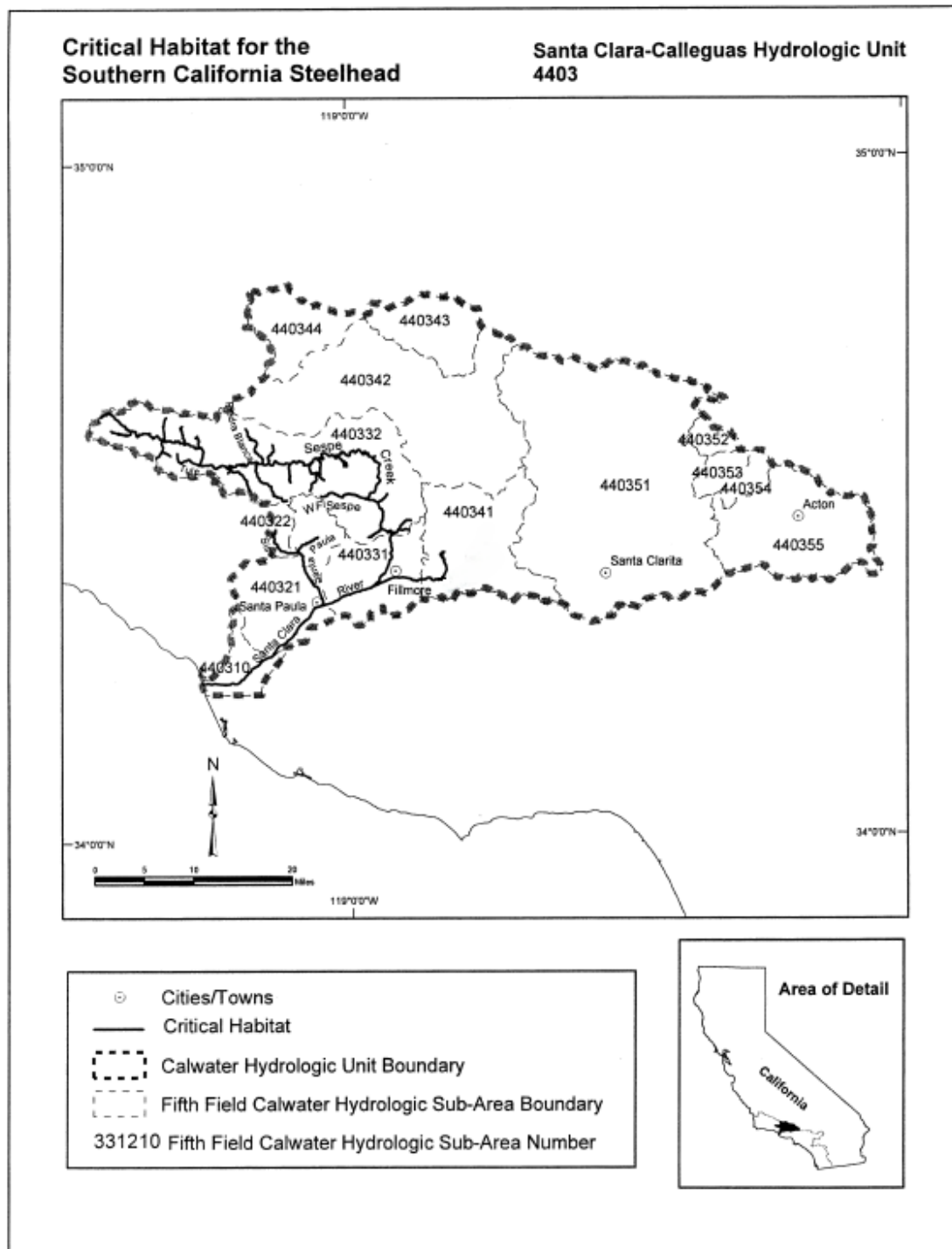
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3. Amend § 226.211 in paragraph (j)(9) by revising the 5th map, “Critical Habitat for the Southern California Steelhead/Santa Clara-Calleguas Hydrologic Unit 4403”, to read as

follows:

(9) Maps of proposed critical habitat for the Southern California steelhead DPS follow:

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