NEPA, such would fall within this categorical exclusion. The Service also believes that the exceptions to categorical exclusions (516 DM 2, Appendix 2) would not be applicable to such a decision, especially in light of the absence of environmental effects for such action.

Authority

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

Dated: September 6, 1996

John G. Rogers

Acting Director, Fish and Wildlife Service.

[FR Doc. 96–23718 Filed 9–16–96; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

RIN 1018–AB75

Endangered and Threatened Wildlife and Plants; Extension of Comment Period on Threatened Status for Copperbelly Water Snake

AGENCY: Fish and Wildlife Service, Interior.

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

SUMMARY: The Fish and Wildlife Service (Service) provides notice that the comment period on the proposed threatened status for the copperbelly water snake (*Nerodia erythrogaster neglecta*) is extended. This snake occupies portions of southern Michigan, northwestern Ohio and adjacent northeastern Indiana, southern Indiana, southeastern Illinois, and western Kentucky.

DATES: Comments from all interested parties must be received by November 15, 1996.

ADDRESSES: Comments and materials concerning this proposal should be sent to U.S. Fish and Wildlife Service, 620 South Walker Street, Bloomington, Indiana 47403–2121.

FOR FURTHER INFORMATION CONTACT: David Hudak, Field Supervisor, (see **ADDRESSES** section), 812/334–4261 extension 200.

SUPPLEMENTARY INFORMATION:

Background

A proposed rule to list the copperbelly water snake (sometimes referred to as the northern copperbelly water snake) as threatened was published on August 18, 1993 (58 FR 43860). A public hearing on the proposal was held in Indianapolis on April 4, 1994. The current comment period began on July 16, 1996, and closes on September 16, 1996.

On April 10, 1995, Public Law 104–06 imposed a moratorium which prevented the addition of any species to the Threatened and Endangered Species List. Thus, the Service was prevented from making a final decision on the proposed threatened classification of the copperbelly water snake. The moratorium remained in effect until April 26, 1996, at which time Public Law 104–134 was enacted, providing for the termination of the listing moratorium by the President.

The Service is required to use the best available scientific and commercial data in making listing determinations under the Endangered Species Act of 1973, as amended. The Service's Final Listing Priority Guidance, published May 16, 1996, (61 FR 24722) notes that the inaction forced upon the Service by the moratorium and related funding limitations may result in a need to reopen comment periods due to unresolved questions or the potential for the existence of new information. Pursuant to this Guidance, the Service reopened the comment period on July 16, 1996, (61 FR 37034) for 60 days to ensure that the best scientific and commercial information currently available would be used in making a final listing determination for the copperbelly water snake.

The Service has contracted for a report on the current biological status of the northern population (southern Michigan and the adjacent portions of Indiana and Ohio) of the copperbelly water snake. This report has not yet been completed. Due to the expected importance of this updated information in evaluating the status of the northern populations, the Service is extending the current comment period so that the report will be available and reviewed by the Service prior to making a final listing decision. Parties wishing to receive a copy of the northern population report were asked, in the July 16, 1996, Federal Register notice, to furnish their address to the Service; copies of the report will be sent to those parties when the report is received by the Service.

During this comment period the Service has been working with representatives of the coal industry, the Farm Bureau Federation, State fish and wildlife resource agencies, and State surface mining regulatory agencies to develop conservation plans for the copperbelly water snake and its habitat in Illinois, Kentucky, and southern Indiana. These efforts have been productive and will be continued during the extended comment period. The scope and success of these and other conservation actions will be taken into consideration when the Service makes its final listing decision.

Author

The primary author of this notice is Ronald L. Refsnider, U.S. Fish and Wildlife Service, Division of Endangered Species, Bishop Henry Whipple Federal Building, 1 Federal Drive, Ft. Snelling, Minnesota 55111–4056 (612–725–3536).

Authority

Authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: September 12, 1996.

John A. Blankenship,

Acting Regional Director, Region 3, Ft. Snelling, MN.

[FR Doc. 96–23865 Filed 9–16–96; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 285

[Docket No. 960416112–6256–03; I.D. 091296B]

RIN 0648–AI29

Options for 1997 Rulemaking for Atlantic Tunas

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

ACTION: Advanced notice of proposed rulemaking (ANPR); request for comments.

SUMMARY: NMFS is considering rulemaking on a number of issues that affect the Atlantic tuna fishery: (1) Changes in Atlantic tuna permit regulations to require annual permits, establish mutually exclusive recreational and commercial fishing categories, recover administrative costs through a permit fee; (2) modifications to the Atlantic bluefin tuna (ABT) Angling category quotas to address geographic distribution of fishing opportunities, and establishing mandatory self-reporting systems for ABT recreational quota monitoring; (3) modifications to the target catch requirements for the Incidental longline ABT fishery; (4) measures necessary to implement quota modifications and/or any other management recommendations for Atlantic tunas

following the 1996 meeting of the International Commission for the Conservation of Atlantic Tunas (ICCAT); and (5) methods for improving quota monitoring and enforcement, and alternative measures to extend the season.

DATES: Written comments on this ANPR must be received on or before October 15, 1996.

ADDRESSES: Written comments should be addressed to William Hogarth, Acting Chief, Highly Migratory Species Management Division (F/CM4), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: John Kelly, 301-713-2347.

SUPPLEMENTARY INFORMATION:

Permits: NMFS currently has a three-year staggered renewal permitting system for Atlantic tunas. This system has hampered the agency's ability to monitor closely the size of the fleet that participates in the Atlantic tuna fishery. NMFS therefore is considering implementing an annual renewal of permits, available through a modernized internet and phone voice-recognition system, which would be subject to a permit fee calculated so as to recover administrative costs.

NMFS has received numerous comments regarding the possible separation of recreational and commercial ABT fishers; the current permit system allows Angling, General, and Charter/Headboat category vessels to target and land recreational-size ABT, while General and Charter/Headboat may also target, land and sell commercial size ABT. NMFS solicits comments on the possible implementation of a permit system that allows vessels to target and land exclusively commercial-size fish or exclusively recreational-size fish, with no possibility for overlap.

Angling Category Operations: Historically, the Angling category school size subcategory has been divided between a ''north'' and a ''south'' area quota, with the division at Delaware Bay, while the large school-small medium category has not been subdivided. In the last few years, there has been increased concern regarding the geographic distribution of these harvests. NMFS is considering alternative sub-quota divisions that would increase the geographical extent of recreational fishing opportunities.

NMFS is also of considering alternatives to the Large Pelagic Survey (LPS) for the purposes of quota monitoring in the ABT recreational fishery. NMFS has attended a number of meetings and workshops with constituents regarding recreational quota monitoring, and is soliciting comments on the possible implementation of a self-reporting system for ABT quota monitoring, including the use of punch-cards, tags, hot-line phone-in systems, and/or other mandatory self-reporting mechanisms. Accuracy of these self-reporting systems may be ensured through the use of personal identification numbers, at sea and dockside enforcement, and follow-up surveys to ensure that ABT catches are being reported.

Incidental Category Target Catch Requirements: The incidental longline fishery, which commonly directs fishing effort on swordfish, sharks and non-bluefin tunas, also occasionally catches bluefin tuna incidental to these other fisheries. Under current Atlantic bluefin tuna regulations, the incidental longline fishery is permitted to retain: (1) One (bluefin tuna) per vessel per fishing trip landed south of 34°00' N. latitude, provided that for the months of January through April at least 1,500 pounds (680 kg), and for the months of May through December at least 3,500 pounds (1,588 kg), either dressed or roundweight, of species other than Atlantic bluefin tuna are legally caught, retained, and offloaded from the same trip and are recorded on the dealer weighout as sold; and (2) Two percent by weight, either dressed or round weight, of all other fish legally landed, offloaded and documented on the dealer weighout as sold at the end of each fishing trip, north of 34°00' N. latitude. These longline fishery retention allowances receive a quota each year from the overall bluefin tuna quota, along with other directed fishery quotas.

The quota for the Incidental category has not been met in recent years, most notably due to decreased landings by longline vessels fishing in the southern area (south of 34°00' N. latitude). This decrease in landings is attributable in part to a decline in effective fishing effort in the Gulf of Mexico and south Atlantic region. Consequently, in 1994 and 1995, a portion of the southern area quota was transferred to the northern area longline fisheries. NMFS also adjusted the north-south dividing line in 1993, without reapportionment of the area subquotas. This division line adjustment prompted comments regarding division of quota and specification of landings requirements affecting the northern and southern subcategories of the Incidental longline category.

In addition, NMFS has received numerous written comments that the landings requirements applicable in the northern subcategory cannot be met by vessels in the shark longline fisheries operating off of North Carolina in the winter months, due to the trip limits in effect under the shark fishery management plan. Participants in this winter shark fishery have noted that the Atlantic bluefin tuna and shark regulations, taken together, force discarding of Atlantic bluefin tuna. These fishermen have requested an allowance to land and market fish that would otherwise be discarded dead, thus increasing boat revenues without contributing to additional Atlantic bluefin tuna mortality.

In response to comments, NMFS undertook a review of the Atlantic bluefin tuna incidental catch regulations, including division of the quotas, position of the dividing line between the northern and southern subcategories, and landing criteria applicable to each management area. Observer data from longline trips taken from 1991–1994 indicate that 2 or fewer ABT were hooked on 91 percent of all observed trips. Landings information indicates that median values for landed catch are approximately 1500 pounds for trips made in the months of January through April, and 3500 pounds for trips made in May through December, in fisheries south of 34°00'; and 3500 pounds for trips made throughout the year in fisheries north of 34°00'. From that same study, the 75th percentile values for landed catch are approximately 4500 pounds for trips made in the months of January through April, and 6000 pounds for trips made in May through December, in fisheries south of 34°00'; and for trips made throughout the year in fisheries north of 34°00'.

As a result of this review, NMFS requests comments on possible changes to reduce incidental mortality of ABT while allowing for commercial use of unavoidable bycatch—namely, to reapportion the base Incidental longline quota between the northern and southern geographic regions to more accurately reflect catch trends for those areas and to also adjust target catch requirements for both the northern and southern Incidental longline subcategories. Target catch is species other than Atlantic bluefin tuna that are legally caught, retained, and offloaded from the same trip and are recorded on the dealer weighout as sold, and can be in either whole or dressed weight pounds (lb) or kilograms (kg).

In the Incidental south subcategory, NMFS is considering whether to adjust target catch requirements adjusted as follows: (1) From January through April, one fish per vessel per fishing trip with

at least 1500 lb (680 kg) of target catch, or two fish per vessel per trip with at least 4500 lb (2040 kg) of target catch; (2) From May through December, one fish per vessel per fishing trip with at least 3500 lb (1588 kg) of target catch, or two fish per vessel per trip with at least 6000 lb (2722 kg) of target catch. In the Incidental north subcategory, NMFS is considering whether to adjust target catch requirements to one fish per vessel per fishing trip with at least 3500 lb (1588 kg), or two fish per vessel per trip, with at least 6000 lb (2722 kg) of target catch.

Implement 1996 ICCAT Management Recommendations: NMFS anticipates that quota modifications as well as other management measures will be recommended at the 1996 ICCAT meeting. Management issues that are already on the Commissioners' meeting agenda include recovery plans for Atlantic bluefin tuna and the establishment of specific management measures for yellowfin tuna. While the specific nature of these recommendations will not be known until late November, the recovery plans will be available after meetings of the Standing Committee on Research and Statistics (September 9 - 20, 1996 for bluefin).

Other Comments: NMFS is also soliciting comments on other aspects of tuna regulations, including methods for improving quota monitoring and enforcement. For the latter, NMFS would like comments on the possibility of prohibiting vessels permitted in the Atlantic tuna fishery to carry tuna fishing gear on board on the day prior to the re-opening of the fishery, including no-fishing days or closed season days. Finally, suggestions for alternative measures to extend the fishing season are solicited. No-fishing days and monthly quotas were established for the 1996 fishery, and NMFS solicits proposals on modifications to these and/or alternative methods to extend the season.

Request for Comments

NMFS requests comments on possible changes to the Atlantic tuna regulations as outlined above, in an effort to obtain industry input prior to developing specific proposals for regulatory alternatives. Comments received on this ANPR will assist NMFS in drafting proposed changes to the Atlantic tunas regulations.

Authority: 16 U.S.C. 971 *et seq.*

Dated: September 12, 1996.

Rolland A. Schmitten,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–23767 Filed 9–12–96; 12:32 pm]

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