goshawk (*Accipiter gentilis laingi*) and the Alexander Archipelago wolf (*Canis lupus ligoni*). The Service solicits any information, data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning the status of these species.

DATES: Comments and data from all interested parties must be received by January 21, 1997 to be included in the findings.

ADDRESSES: Comments and materials should be sent to Field Supervisor, U.S. Fish and Wildlife Service, Ecological Services, 3000 Vintage Blvd., Suite 201, Juneau, Alaska 99801–7100.

FOR FURTHER INFORMATION CONTACT: Mr. John Lindell at the above address (907/586–7240).

SUPPLEMENTARY INFORMATION:

Background

The Service will issue separate petition findings under the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.), on the Queen Charlotte goshawk and the Alexander Archipelago wolf.

Queen Charlotte Goshawk

The Queen Charlotte goshawk occurs in forested areas throughout coastal mainland and insular areas of British Columbia, Canada, and southeastern Alaska. On May 9, 1994, the Service received a petition to list the Queen Charlotte goshawk as endangered under the Act, from Mr. Peter Galvin of the Greater Gila Biodiversity Project, Silver City, New Mexico, and nine copetitioners including, the Southwest Center for Biological Diversity, the Biodiversity Legal Foundation, Greater Ecosystem Alliance, Save the West, Save America's Forests, Native Forest Network, Native Forest Council, Eric Holle, and Don Muller. On August 26, 1994, the Service announced a 90-day finding (59 FR 44124) that the petition presented substantial information indicating that the requested action may be warranted, and opened a public comment period until November 25, 1994. The Service extended the public comment period until February 28, 1995, through two subsequent Federal Register notices on January 4, 1995 (60 FR 425), and February 24, 1995 (60 FR 10344). The Service issued its 12-month finding on June 29, 1995 (60 FR 33784), indicating that listing the Queen Charlotte goshawk under the Act was not warranted.

On July 16, 1995, the petitioners filed a 60-day notice of intent to sue the Service over its 12-month finding, and on November 17, 1995, they filed suit in the United States District Court for the District of Columbia challenging the not warranted finding made by the Service. As a result of a recent court order the Service is reevaluating the status of the Queen Charlotte goshawk. The Service is requesting any information, data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning the status of this species. The public comment period specified in this notice may have to be shortened in order to comply with any deadline established in a future court ruling.

After considering the best available scientific and commercial data on the Queen Charlotte goshawk and its habitat, the Service will issue a new 12-month finding on the petition to list this subspecies.

Alexander Archipelago Wolf

The Alexander Archipelago wolf occurs in forested areas of insular and mainland southeast Alaska, from Dixon Entrance (US/Canada border) to Yakutat Bay, including all large islands of the Alexander Archipelago except Admiralty, Baranof, and Chichagof Islands. On December 17, 1993, the Service received a petition to list the Alexander Archipelago wolf as threatened under the Act, from the Biodiversity Legal Foundation, Eric Holle and Martin J. Berghoffen. A 90-day finding was made by the Service that the petition presented substantial information indicating that the requested action may be warranted. The 90-day finding was announced (59 FR 26476) and a status review was initiated on May 20, 1994. The public comment period was open between May 20 and October 1, 1994 (59 FR 26476 and 59 FR 44122). The Service announced its finding that listing the Alexander Archipelago wolf was not warranted on February 23, 1995 (60 FR 10056).

The petitioners issued a 60-day notice of intent to sue over the Service's not warranted finding on November 13, 1995. On February 7, 1996, they filed suit in the United States District Court for the District of Columbia challenging the not-warranted finding made by the Service. As a result of a recent court order the Service is reevaluating the status of the Alexander Archipelago wolf. The Service is requesting any information, data, comments, and suggestions from the public, other concerned government agencies, the scientific community, industry, or other interested parties concerning the status of this species. The public comment period specified in this notice may have to be shortened in order to comply with any deadline established in a future court ruling.

After considering the best available scientific and commercial data on the Alexander Archipelago wolf and its habitat, the Service will issue a new 12-month finding on the petition to list this subspecies.

Author

This notice was prepared by Ms. Teresa Woods, U.S. Fish and Wildlife Service, Alaska Region, 1011 E. Tudor Road, Anchorage, Alaska 99503.

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531-1544).

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Export, Import, Reporting and recordkeeping requirements, Transportation.

Dated: November 26, 1996.

David B. Allen,

Regional Director, Region 7, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 656

[Docket No. 950915230–6327–04; I.D. 110196E]

RIN 0648–AH57

Atlantic Striped Bass Fishery; Withdrawal of Proposed Rule

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

ACTION: Proposed rule; withdrawal.

SUMMARY: NMFS withdraws the September 27, 1995, proposed rule to remove a Federal moratorium on the harvest or possession of Atlantic striped bass in the exclusive economic zone (EEZ), offshore from Maine to Florida, and the implementation of a minimum size limit for Atlantic striped bass possessed in the EEZ. The proposed rule is withdrawn because of specific recommendations not considered at the time of proposed rulemaking.

DATES: This proposed rule is withdrawn on December 4, 1996.

FOR FURTHER INFORMATION CONTACT: Tom Meyer, 301–427–2014.

SUPPLEMENTARY INFORMATION: A proposed rule was published on September 27, 1995 (60 FR 49821), under section 6 of the Atlantic Striped Bass Conservation Act (Striped Bass Act), Public Law 100–589, reproduced at 16 U.S.C. 1851 note, to: (1) Remove the current moratorium on the harvest and possession of striped bass in the EEZ, (2) prohibit the possession of striped bass in the EEZ of less than 28 inches (71.1 cm) total length, and (3) provide that state regulations apply to any striped bass being transported into a state's jurisdiction from the EEZ.

Comments received during the proposed rule comment period (ending October 27, 1995) at nine public hearings and from numerous letters indicated substantial public concern on the following: (1) The stock was not fully recovered and the Secretary of Commerce (Secretary) should wait until the 2-year transitional period is completed (January 1, 1997) before reopening the EEZ, (2) reopening the EEZ would create law enforcement loopholes, and (3) a large percentage of the public objected to any commercial fishing for striped bass in the EEZ. In addition, NMFS received specific recommendations from both the Atlantic States Marine Fisheries Commission (ASMFC) and the Mid-Atlantic Fishery Management Council (MAFMC) to delay removal of the moratorium in the EEZ until the ASMFC moved from the transitional fishery mortality rate (F) target of (F = 0.33) to a ''fully restored'' fishery (F = 0.40), which was scheduled to occur on January 1, 1997.

On May 29, 1996, the ASMFC's Striped Bass Stock Assessment Committee (SBSAC) presented preliminary data to the ASMFC's Striped Bass Management Board (Board) that suggests that, on a coast-wide basis, striped bass fisheries may be occurring at or above the prescribed transitional fishing mortality rate (F = 0.33) contained in Amendment 5 to the Interstate Fishery Management Plan for Atlantic Striped Bass (Plan). Based on these data, the SBSAC recommended to the Board that the transitional F (0.33) remain operable for at least 1 more year (until January 1, 1998). The Board unanimously adopted this recommendation and provided additional supplementary guidance to certain states, and to NMFS, directed at strengthening the regulatory regime.

On September 25, 1996, the Board approved a motion (nine to eight) to freeze the quotas for striped bass along the Atlantic coast, including the important spawning areas represented by Chesapeake Bay and other estuaries, until January 1, 1998. As a result of that vote, many of the technical issues placed before the Board by the Striped Bass Technical Committee were left unresolved. In an effort to resolve them, the Board met again on October 21, 1996, and decided to have ASMFC staff prepare an addendum to the Plan. Consequently, no determination will be made on possible quota increases for striped bass until January 1997, following public hearings.

In addition, the President signed into law the Sustainable Fisheries Act of 1996 (SFA) on October 11, 1996. The SFA added three new national standards to the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). These new national standards were not considered at the time of proposed rulemaking. Regulations under the Striped Bass Act must be consistent with the national standards.

The Striped Bass Act provides authority to the Secretary to implement regulations that are necessary to ensure the effectiveness of state regulations to implement the ASMFC's Plan. The proposed rule was designed to complement the ASMFC's Plan while meeting this legal requirement. Based on the current uncertainty about the interim fishing mortality rate target (F = 0.33) being achieved, the ASMFC's action to postpone going to a full (F = 0.40) fishery until January 1, 1998, the ongoing work to identify and correct some potential enforcement loopholes, the ASMFC's decision to prepare an addendum to Amendment 5 to address the 1997 fishery, and the addition of three new national standards to the Magnuson-Stevens Act not considered at the time of proposed rulemaking, the Secretary is withdrawing the proposed rule to allow NMFS and the ASMFC additional time to address these concerns before considering reinitiation of rulemaking on or about January 1, 1998.

Authority: 16 U.S.C. 1851 note.

Dated: November 27, 1996.

Gary C. Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

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