priority guidance, however, the Service was compelled by court order to issue the 90-day finding.

On July 9, 1996, the Service published a 90-day petition finding (61 FR 36021) that substantial information had been presented indicating the requested action may be warranted for the Santa Ana sucker. This same 90-day petition finding stated that the petition did not present substantial scientific or commercial information indicating the petitioned action may be warranted for the Santa Ana speckled dace and Shay Creek threespine stickleback because it did not substantiate that the two taxa are described species, subspecies, or distinct vertebrate population segments as required under current Service policy (61 FR 4722) to be considered for listing. Furthermore, the Service presently regards the Shay Creek threespine stickleback as a population of the unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), a species that is already listed as endangered. While work on the 12-month finding, also a tier 3 activity, would not have been initiated under the listing priority guidance, the Service subsequently initiated a status review for the Santa Ana sucker pursuant to an October 10, 1996, court order.

The Service has carefully assessed the best scientific and commercial information available regarding the present and future threats facing the Santa Ana sucker. This analysis is documented in the Service's Administrative 12-Month Finding on a Petition to List the Santa Ana Sucker as Endangered (Finding). Although the Santa Ana sucker was described as common in the 1970s (Moyle 1976), the species has experienced declines throughout most of its range (Moyle and Yoshiyama 1992). This apparent overall decline in population numbers is particularly surprising given the high reproductive capability and broad habitat tolerances of this species. Much of the remaining range of the Santa Ana sucker is threatened by urban encroachment, extreme alteration of river channels, degraded water quality, dam operations, water diversions, introduction of exotic predators and competitors, other human-caused factors (e.g., adverse impacts associated with human recreational activities), as well as small populations and associated genetic concerns. Of the four known populations of the Santa Ana sucker, two populations are mostly within the Angeles National Forest. Urban encroachment and alteration of river channels are not a threat to these two populations, one of which is extant upstream of the confluence of the East, West, and North forks of the San Gabriel River and may contain the most individuals of any remaining population. Therefore, the Service concludes that the magnitude of threats facing the Santa Ana sucker are moderate.

The Service determines, as a result of its status review, that sufficient information is currently available to support a proposed rule to list the species as endangered or threatened. According to Service policy published in the **Federal Register** on May 12, 1993 (58 FR 28034), such species are assigned candidate status and given a listing priority number. Guidelines for assigning listing priorities were published in the **Federal Register** on September 21, 1983 (48 FR 43098). Consequently, given the moderate threats facing the Santa Ana sucker throughout its range, the Service hereby assigns the Santa Ana sucker a listing priority number of 8.

Under the Service's current system of proposing species for listing based on the magnitude and imminence of threats facing a species, the Service considers listing species with higher listing priority numbers first. Since the moratorium was lifted on April 26, 1996, the Service has completed 131 final determinations (publication of final rules for endangered and threatened species and withdrawals of proposed rules). The Service believes that this demonstrates that expeditious progress is being made to list and delist species under the Act. Despite this progress, listing actions are currently pending for many species that have higher listing priority numbers than the Santa Ana sucker. Those species include a large number of species facing high magnitude and imminent threats (listing priority numbers of 1, 2, or 3). Given that the Santa Ana sucker has a listing priority number of 8 in light of the threats of moderate magnitude, the Service finds that listing the Santa Ana sucker is warranted but precluded by listing actions of higher priority.

References Cited

A complete list of references used in the preparation of this finding is available upon request from the Carlsbad Field Office (see **ADDRESSES** section).

Author

The primary author of this document is Paul J. Barrett, Carlsbad Field Office (see **ADDRESSES** section), telephone 619/431–9440.

Authority

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

Dated: March 27, 1997.

John G. Rogers,

Director, Fish and Wildlife Service.

[FR Doc. 97–8450 Filed 4–2–97; 8:45 am]

BILLING CODE 4310–55–P

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50 CFR Part 17

Endangered and Threatened Wildlife and Plants: Public Hearing on Proposed Rule to List the Northern Population of the Bog Turtle as Threatened and the Southern Population as Threatened Due to Similarity of Appearance

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; notice of public hearing.

SUMMARY: The U.S. Fish and Wildlife Service gives notice that a public hearing will be held on the Service's proposal to list the northern population of the bog turtle (Clemmys muhlenbergii) as threatened from New York and Massachusetts south to Maryland; and the southern population of the bog turtle, which occurs in the Appalachian Mountains from southern Virginia to northern Georgia, as threatened due to similarity of appearance to the northern population, with a special rule, pursuant to the Endangered Species Act of 1973, as amended. The bog turtle is threatened by a variety of factors which include: habitat degradation and fragmentation from agriculture and urban development; habitat succession due to invasive exotic and native plants; and illegal trade and collection.

DATES: The public hearing will be held April 21, 1997, from 7 p.m. to 9 p.m. (Eastern Standard Time). The formal comment period closes on April 29, 1997.

ADDRESSES: Comments should be sent to Supervisor, Pennsylvania Field Office, U.S. Fish and Wildlife Service, 315 South Allen Street, Suite 322, State College, Pennsylvania 16801. The public hearing will be held in the auditorium of the Oley High School, 17 Jefferson Street, Oley, Pennsylvania.

FOR FURTHER INFORMATION CONTACT: Mr. Michael McCarthy at the above field office address (814/234–4090; facsimile 814/234–0748).

SUPPLEMENTARY INFORMATION:

Background

Bog turtles inhabit shallow, spring-fed fens, sphagnum bogs, swamps, marshy meadows and pastures characterized by soft, muddy bottoms; clear, cool, slow-flowing water, often forming a network of rivulets; high humidity; and an open canopy. Unless set back by fire, beaver activity, grazing, or periodic wet years, open-canopy wetlands are slowly invaded by woody vegetation and undergo a transition into closed-canopy, wooded swampland, thus becoming unsuitable for habitation by bog turtles. The northern populations extends from southern New York and western Massachusetts southward through western Connecticut, New Jersey and eastern Pennsylvania, to northern Delaware and Maryland. Disjunct populations previously occurred in western Pennsylvania and in the Lake George and Finger Lakes regions of New York. The western Pennsylvania and Lake George populations have been extirpated and only a remnant population exists at two remaining sites in the Finger Lakes region. The southern population occurs in southwestern Virginia southward through western North Carolina, eastern Tennessee, northwestern South Carolina and northern Georgia.

The northern population of the bog turtle has declined by approximately 50 percent. Illegal collection and habitat alteration/destruction constitute the primary threats to this species. The Service does not currently consider the southern population of bog turtles to be biologically threatened or endangered; however, it would be nearly impossible to prosecute illegal 'take' cases if the southern population was not also listed. The proposed special rule would exempt incidental take of bog turtles in the southern population from the prohibitions of the Act. That is, take that results from, but is not the purpose of, carrying out an otherwise lawful activity would not be prohibited for the southern population.

On January 29, 1997, the Service published a proposal in the **Federal Register** (62 FR 4229) to list the northern population of the bog turtle as threatened and the southern population as threatened due to similarity of appearance under the Act as amended. Section 4(b)(5)(E) of the Act requires that a public hearing be held if requested within 45 days of the proposal's publication in the **Federal Register**. A public hearing request was received within the allotted time period from Mr. Gary L. Hoffman, Chief Engineer for the Commonwealth of Pennsylvania Department of Transportation, Harrisburg, Pennsylvania. The Service has scheduled a hearing on April 21, 1997, from 7:00 to 9:00 p.m. (Eastern Standard Time), at the auditorium of the Oley High School, 17 Jefferson Street, Oley, Pennsylvania. Those parties wishing to make a statement for the record are encouraged to provide a copy of their statement to the Service at the start of the hearing. Oral statements may be limited in length if the number of parties present at the hearing necessitates such a limitation. There are, however, no limits to the length of written comments or materials presented at the hearing or mailed to the Service. Comments from all interested parties must be received by April 29, 1997.

Author: The primary author of this notice is Mr. Michael L. McCarthy, Pennsylvania Field Office, U.S. Fish and Wildlife Service, 315 South Allen Street, Suite #322, State College, Pennsylvania 16801.

Authority: The authority for this action is the Endangered Species Act (16 U.S.C. 1531–1544).

Dated: March 27, 1997.

Cathy Short,

Deputy Regional Director, Region 5.

[FR Doc. 97–8510 Filed 4–2–97; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 970318059–7059–01; I.D. 022197B]

RIN 0648–AI82

Fisheries off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Amendment 12

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement portions of Amendment 12 to the Fishery Management Plan for Commercial and Recreational Salmon Fisheries off the Coasts of Washington, Oregon, and California (Salmon FMP). Amendment 12 to the Salmon FMP would include, as management objectives for the Salmon FMP, the NMFS jeopardy standards or the objectives of NMFS recovery plans for salmon species that are listed as threatened or endangered under the Endangered Species Act (ESA) and would eliminate from the Code of Federal Regulations a table that summarizes management goals. This proposed rule would implement that change. The intended effect of this rule is to ensure that ESA listed salmon are given proper consideration in formulating management measures under the Salmon FMP.

DATES: Comments on the proposed rule must be received on or before May 19, 1997.

ADDRESSES: Comments on the proposed rule for Amendment 12 should be sent to Mr. William Stelle, Administrator, Northwest Region, National Marine Fisheries Service, 7600 Sand Point Way NE., BIN C15700, Seattle, WA 98115–0070; or to Mr. William Hogarth, Acting Administrator, Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802–4213.

Copies of Amendment 12 (combined with Amendment 10 to the Fishery Management Plan for the Pacific Coast Groundfish Fishery (Groundfish FMP)), the Environmental Assessment (EA)/Regulatory Impact Review (RIR)/Initial Regulatory Flexibility Analysis (IRFA) are available from Larry Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: William L. Robinson at 206–526–6140, Rodney McInnis at 310–980–4040, or the Pacific Fishery Management Council at 503–326–6352.

SUPPLEMENTARY INFORMATION: NMFS is proposing this rule based on a recommendation of the Pacific Fishery Management Council (Council), under the authority of the FMP and the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The background and rationale for the Council's recommendations are summarized below. More detail appears in the EA/RIR/IRFA that the Council prepared for this action (see **ADDRESSES**).

At its October 1996 meeting, the Council adopted a package that consists of Amendment 12 to the Salmon FMP and Amendment 10 to the Groundfish FMP. Amendment 12 would allow adoption of rules to permit retention of, but not sale of, salmon bycatch in Pacific Coast groundfish trawl fisheries under a monitoring program that meets certain guidelines; specify ESA standards as management objectives for salmon species listed under the ESA;