conditions. Thus, drought conditions are unlikely to be the sole causative factor in long-term lesser prairie-chicken population declines, unless the severity and/or frequency of drought has increased in recent years.

To address this question, the Service reviewed available records of the monthly Palmer Drought Severity Index (PDSI, Palmer 1965) which takes into account precipitation, evapotranspiration, and soil-moisture conditions (Alley 1985). Monthly PDSI values from January 1895 through July 1997 were obtained for the climate divisions within the lesser prairie-chicken's range. Review of the average PDSI for the months March-August in each year reveals that while major droughts over the last century are clearly observed in each climate division (1930s, 1950s), there does not appear to be an increase in the frequency or severity of drought conditions over the last 10–15 years. Highs and lows during that time are well within the range of variation experienced over the last 100 years.

Female ring-necked pheasants (*Phasianus colchicus*) have been documented parasitizing nests of several species, including greater prairie-chicken (Vance and Westemeier 1979; Kimmel 1987; Westemeier *et al.* 1989). Consequences of nest parasitism vary, and may include abandonment of the host nest, reduction in number of host eggs, lower hatching success, and parasitic broods (Kimmel 1987). Predation rate may increase with incidence of parasitism (Vance and Westemeier 1979). Further consequences may include the imprinting of the pheasant young from the parasitized nest to the host species, and later attempts by male pheasants to court females of the host species (Schein 1963, Kimmel 1987). Male pheasants have been observed disrupting the breeding behavior of greater prairie-chickens on leks (Sharp 1957, Follen 1966, Vance and Westemeier 1979). In addition, pheasant displays toward female prairie-chickens almost always cause the female to leave the lek (Vance and Westemeier 1979). Thus, an attempt by a pheasant to display on a prairie-chicken lek would completely disrupt the normal courtship activities of prairie-chickens.

To our knowledge, no published reports of this disruption exist for lesser prairie-chickens, although the Service has received anecdotal reports from staff of the ODWC, the TPWD, and the Oklahoma Cooperative Fish and Wildlife Research Unit. The Service considers competition with and parasitism by pheasants another factor that may have affected lesser prairie-chicken populations. This factor needs further quantification to understand its relative impact on lesser prairie-chicken populations.

Section 4(b) of the Act states that the Service may make warranted but precluded findings only if it can demonstrate that: (1) An immediate proposed rule is precluded by other pending proposals; and that (2) expeditious progress is being made on other listing actions. On September 21, 1983 (48 FR 43098), the Service published in the **Federal Register** its priority system for listing species under the Act. The system considers magnitude of threat, immediacy of threat, and taxonomic distinctiveness in assigning species numerical listing priorities on a scale of 1 to 12. The Service has determined that the overall magnitude of threats to the lesser prairie-chicken throughout its range is moderate, and that the threats are ongoing, thus they are considered imminent. A listing priority of 8 has consequently been assigned for the lesser prairie-chicken. The Service is making expeditious progress on other, higher priority listing actions.

The Service's 12 month finding contains more detailed information regarding the above decisions. A copy may be obtained from the Oklahoma Ecological Services Field Office (see **ADDRESSES** section). If additional data become available in the future, the Service may reassess the listing priority for this species or the need for listing.

References Cited

A complete list of references cited in this notice is available upon request from the Oklahoma Ecological Services Field Office (see **ADDRESSES** section).

Author

The primary author of this document is Noreen E. Walsh, Oklahoma Ecological Services Field Office (see **ADDRESSES** section).

Authority

The authority for this action is the Endangered Species Act (16 U.S.C. 1532 *et seq.*)

Dated: June 1, 1998.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 98–15333 Filed 6–8–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980603145–8145–01; I.D. 052998C]

RIN 0648–AL33

Fisheries Off West Coast States and in the Western Pacific; Western Pacific Crustacean Fisheries; Bank/Area-Specific Harvest Guidelines

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule that would allocate the 1998 overall harvest guideline of 286,000 lobsters (spiny and slipper combined) in the Northwestern Hawaiian Islands (NWHI) among three individual fishing banks and a fourth combined area. Specifically, under this proposed rule, no more than 70,000 lobsters may be harvested from Necker Island; no more than 20,000 lobsters may be harvested from Gardner Pinnacles; no more than 80,000 lobsters may be harvested from Maro Reef; and no more than 116,000 lobsters may be harvested from all the other remaining NWHI banks combined within Crustaceans Permit Area 1. This rule is intended to protect the lobster resources at each fishing ground, to provide better data on stocks, and to conserve the resource.

DATES: Written comments must be received by June 24, 1998.

ADDRESSES: Written comments should be sent to, and copies of the initial regulatory flexibility analysis (IRFA) and environmental assessment are available from, Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164 Bishop St., Suite 1400, Honolulu, HI 96813.

FOR FURTHER INFORMATION CONTACT: Kitty Simonds at (808) 522–8220 or Alvin Katekaru, Fishery Management Specialist, Pacific Islands Area Office, NMFS, at (808) 973–2985.

SUPPLEMENTARY INFORMATION: Under the framework procedures of the Fishery Management Plan for the Crustaceans Fisheries of the Western Pacific Region (FMP) and its implementing regulations (50 CFR 660.53), the Council, at its 96th meeting, requested that the Southwest Regional Administrator, NMFS (Regional Administrator) initiate a

rulemaking to establish bank/area-specific harvest guidelines, as described above, specifically for Necker Island, Gardner Pinnacles, Maro Reef, and the General NWHI Lobster Grounds. This proposed rule would establish harvest guidelines for four lobster grounds in the NWHI crustacean fishery as follows: No more than 70,000 lobsters may be harvested from Necker Island; no more than 20,000 lobsters may be harvested from Gardner Pinnacles; no more than 80,000 lobsters may be harvested from Maro Reef; and no more than 116,000 lobsters may be harvested from all the other remaining NWHI banks combined. These proposed allocations are based on a total 1998 NWHI-wide harvest guideline of 286,000 lobsters for the 1998 fishery as determined by the Regional Administrator. The overall harvest guideline of 286,000 lobsters (spiny and slipper combined) was published in the **Federal Register** on June 3, 1998 (63 FR 30147).

Once a bank/area-specific harvest guideline is reached or projected to be reached, the Regional Administrator would announce, at least 24 hours in advance, closure of that bank or area via electronic communication to each of the vessels participating in the 1998 fishery. The entire NWHI lobster fishery would close when the fourth bank or area is closed. All lobster harvested by vessels not carrying a vessel monitoring system (VMS) unit must be landed within a specified period following closure of the fishery as provided by current regulations (50 CFR 660.50).

The Council recommended the four bank/area-specific allocations following review and discussion, including impacts, of three alternatives: (1) Partial bank-specific harvest guidelines (four lobster grounds), the preferred alternative; (2) full bank-specific harvest guidelines (11 of the 14 lobster grounds for which exploitable population estimates are available); and (3) no action (NWHI-wide fishing area). The Council concluded that the preferred alternative would best meet the management objectives of the FMP because it would promote broader distribution of fishing effort among the banks of the NWHI, which should enhance resource conservation and help prevent local bank depletion. This action would provide more information about the lobster resource in the NWHI because fishing effort would be distributed more widely than in the past several years. This information, combined with a NMFS scientific data collection/observer program, should result in more effective management of the fishery. Most importantly, the proposed allocations would respond to the concern that unless lobster harvest at Necker Island, Gardner Pinnacles, and Maro Reef is limited, the lobster populations in these areas may be at risk.

The actions proposed in this rule would only be in effect from July 1, 1998, through December 31, 1998.

Classification

This proposed rule has been determined to be not significant for the purposes of E.O. 12866.

The Council prepared an IRFA as part of the regulatory review process, which describes the impact this proposed rule would have on small entities. The proposed rule would apply to the 12 permit holders who own the 15 vessels in this fishery; however, only 5 vessels are expected to participate in the 1998 lobster fishery. All participants in the fishery are small business entities. No new reporting or recordkeeping requirements would be imposed by this proposed rule. No Federal rules are known to duplicate, overlap, or conflict with this rule. The reasons for, objectives of, and legal basis for this rule are described elsewhere in this preamble. The three alternative actions are analyzed in the IRFA. While participants would incur increased costs in 1998 for compliance (e.g., additional fuel and transportation costs), the proposed action should result in long-term economic benefits to the fishery if the resource increases with improved fisheries management. A copy of the IRFA is available for public review and comment (see **ADDRESSES**).

List of Subjects in 50 CFR Part 660

Administrative practice and procedure, American Samoa, Fisheries, Fishing, Guam, Hawaiian Natives, Indians, Northern Mariana Islands, Reporting and recordkeeping requirements.

Dated: June 3, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 660 is proposed to be amended as follows:

1. The authority citation for part 660 continues to read as follows:

PART 660 - FISHERIES OFF WEST COAST STATES AND IN THE WESTERN PACIFIC

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 660.12 is amended by adding a definition of ''Lobster grounds'', in alphabetical order, to read as follows:

§ 660.12 Definitions.

* * * * *

Lobster grounds refers, singularly or collectively, to the following four areas in Crustaceans Permit Area 1 that shall be used to manage the 1998 lobster fishery:

(1) *Necker Island Lobster Grounds*— waters bounded by straight lines connecting the following coordinates in the order presented: 24°00′ N. lat., 165°00′ W. long.; 24° 00′ N. lat., 164° 00′ W. long.; 23° 00′ N. lat., 164° 00′ W. long.; and 23° 00′ N. lat., 165° 00′ W. long.

(2) *Gardner Pinnacles Lobster Grounds*— waters bounded by straight lines connecting the following coordinates in the order presented: 25° 20′ N. lat., 168° 20′ W. long.; 25° 20′ N. lat., 167° 40′ W. long.; 24° 20′ N. lat., 167° 40′ W. long.; and 24° 20′ N. lat., 168° 20′ W. long.

(3) *Maro Reef Lobster Grounds*— waters bounded by straight lines connecting the following coordinates in the order presented: 25° 40′ N. lat., 171° 00′ W. long.; 25° 40′ N. lat., 170° 20′ W. long.; 25° 00′ N. lat., 170° 20′ W. long.; and 25° 00′ N. lat., 171° 00′ W. long.

(4) *General NWHI Lobster Grounds*— all waters within Crustaceans Permit Area 1 except for the Necker Island, Gardner Pinnacles, and Maro Reef Lobster Grounds.

* * * * *

3. Section 660.42 is amended by adding new paragraphs (a)(1)(vi) and (a)(13), to read as follows:

§ 660.42 Prohibitions.

* * * * *

(a) * * *

(1) * * *

(vi) In a lobster grounds after closure of that grounds as specified in § 660.50(b).

* * * * *

(13) Possess, on a fishing vessel that has a limited access permit issued under this subpart, any lobster trap in a lobster grounds that is closed under § 660.50(b), except if the vessel is operating a VMS unit certified by NMFS.

* * * * *

4. Section 660.48 is amended by suspending paragraph (a)(7) and by adding a new paragraph (a)(10), to read as follows:

§ 660.48 Gear restrictions.

(a) * * *

(10) A vessel whose owner has a limited access permit issued under this subpart and has an operating VMS unit certified by NMFS may transit the Crustaceans Permit Area 1, including the Crustaceans Permit Area 1 VMS

Subarea, with lobster traps on board for the purpose of moving to another lobster grounds or returning to port following the closure date, as specified in § 660.50, providing the vessel does not stop or fish and is making steady progress to another lobster grounds or back to port as determined by NMFS.

* * * * *

5. Section 660.50 is amended by suspending paragraph (b)(4) and by adding new paragraphs (b)(5) through (b)(8) to read as follows:

§ 660.50 Harvest limitation program.

* * * * *

(b) * * *

(5) For the 1998 fishing season, the following harvest guidelines apply to the four lobster grounds in Crustaceans Permit Area 1:

(i) No more than 70,000 lobsters may be harvested from the Necker Island Lobster Grounds;

(ii) No more than 20,000 lobsters may be harvested from the Gardner Pinnacles Lobster Grounds;

(iii) No more than 80,000 lobsters may be harvested from the Maro Reef Lobster Grounds; and

(iv) No more than 116,000 lobsters may be harvested from the General NWHI Lobster Grounds.

(6) The Regional Administrator, Southwest Region, NMFS, shall determine, on the basis of the information reported to NMFS by the operator of each vessel fishing, when the harvest guideline for each lobster grounds will be reached.

(7) Notice of the date when the harvest guideline for a lobster grounds is expected to be reached, and specification of the closure date of the lobster grounds, will be provided to each permit holder and/or operator of each permitted vessel at least 24 hours in advance of the closure. After a closure, the harvest of lobster in that lobster grounds is prohibited, and the possession of lobster traps on board the vessel in that lobster grounds is prohibited unless allowed under § 660.48(a)(10).

(8) With respect to the notifications in paragraphs (b)(3) and (b)(7) of this section, NMFS shall provide each permit holder and operator of each permitted vessel with the following information, as appropriate:

(i) Determination of when the over-all harvest guideline for Crustaceans Permit Area 1 will be reached;

(ii) Closure date after which harvest of lobster or possession of lobster traps on board the vessel in a lobster grounds is prohibited;

(iii) Closure date after which the possession of lobster traps on board the vessel in Crustaceans Permit Area 1 is prohibited by any permitted vessel that is not operating a VMS unit certified by NMFS; and

(iv) Specification of when further landings of lobster will be prohibited by permitted vessels not using VMS units certified by NMFS.

* * * * *

[FR Doc. 98–15299 Filed 6–8–98; 8:45 am]

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