small reddish-brown owl, nests in a cavity in a tree or large columnar cactus. The species was once common to abundant in riparian forests, mesquite-cottonwood woodlands, and desertscrub habitats in central and southern portions of the state. It is still considered a potential inhabitant of riparian areas, where this extremely limited vegetative community still occurs, and is found in upper Sonoran Desert habitats usually consisting of dense ironwood, mesquite, acacia, bursage, and saguaro cacti, with understory vegetation of smaller trees and shrubs.

Urban and suburban development within the remaining appropriate habitat of the pygmy-owl is ongoing. These and other actions may result in take of the species. The Endangered Species Act and implementing regulations found at 50 CFR 17.21 and 17.31 set forth a series of general prohibitions that apply to all endangered and threatened wildlife, respectively. These prohibitions, in part, make it illegal for any person subject to the jurisdiction of the United States to take (includes harass, harm, pursue, hunt, shoot, wound, kill, trap, or collect or to attempt any of these). Regulations at 50 CFR 17.3 define the terms ''harm'' and ''harass'' as used under the definition of ''take.'' ''Harm'' is defined as an act which actually kills or injures wildlife. Such acts may include significant habitat modification that impairs essential behavioral patterns, including breeding, feeding, or sheltering. ''Harass'' is defined as an intentional or negligent act or omission which creates a likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavior patterns, including, but not limited to, breeding, feeding, or sheltering.

Permits may be issued to carry out otherwise prohibited activities involving endangered and threatened wildlife species under certain circumstances. Such permits are available for scientific purposes, to enhance the propagation or survival of the species, and/or for incidental take in connection with otherwise lawful activities.

At the time of listing the owl, the Service provided a partial listing of activities that could potentially harm, harass, or otherwise take the pygmy-owl. These included—

(1) Removal of nest trees;

(2) Removal of a nest box in use by the pygmy-owl;

(3) Clearing or significant modification of occupied habitat, whether or not the nest tree is included;

(4) Sustained noise disturbance during the breeding season;

(5) Pursuit or harassment of individual birds;

(6) Frequent or lengthy low-level flights over occupied habitat during the breeding season;

(7) Severe overgrazing that results in the removal of understory vegetation.

In furtherance of the Service's policy to provide information concerning what activities may be considered take of the pygmy-owl, the Service is again making available information to aid both Federal and non-Federal entities in determining when a take situation may occur.

The Service is seeking additional information in order to more adequately understand the occurrence and biology of the cactus ferruginous pygmy-owl in central and southern Arizona. However, until more complete scientific information is available, the Service believes that the use of the guidance document will protect the pygmy-owl while allowing carefully considered development to proceed.

Author

The primary author of this document is Tom Gatz, Acting Field Supervisor, Arizona 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: August 7, 1998.

Geoffrey L. Haskett,

Acting Regional Director, Fish and Wildlife Service.

Notice: Availability of take guidance for the cactus ferruginous pygmy-owl

[FR Doc. 98–21708 Filed 8–12–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 073098B]

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Public hearings, request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) and the Atlantic States Marine Fisheries Commission (Commission) will hold public hearings to allow for input on Amendment 1 to the Bluefish Fishery Management Plan (FMP).

DATES: Written comments on Amendment 1 will be accepted until September 15, 1998. The public hearings are scheduled to be held from August 24 to September 3, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: Send comments to Christopher M. Moore, Acting Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904.

The hearings will be held in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, and Florida. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Acting Executive Director, 302–674–2331, ext 16.

SUPPLEMENTARY INFORMATION:

Background

Amendment 1 to the FMP, prepared by the Council and the Commission, is intended to manage the bluefish fishery under both the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended by the Sustainable Fisheries Act (SFA), and the Atlantic Coastal Fisheries Cooperative Management Act. The management unit is bluefish (*Pomatomus saltatrix*) in U.S. waters in the western Atlantic Ocean. The goal of the management plan is to conserve the bluefish resource along the Atlantic coast.

The SFA requires that an FMP's definition of overfishing contain status determination criteria comprised of two components: (1) A maximum fishing mortality threshold and (2) a minimum stock size threshold. For bluefish, the maximum F threshold is specified as F_{MSY}, or the fishing mortality rate which produces maximum sustainable yield (MSY). The minimum biomass threshold is specified as one-half the biomass level associated with maximum sustainable yield (B_{MSY}).

The Council and Commission propose to rebuild the bluefish stock to the B_{msy} level over a 9-year rebuilding period through the implementation of Amendment 1. The preferred alternative will eliminate overfishing and rebuild the bluefish stock through a graduated reduction in the fishing mortality rate. For the first 2 years of the rebuilding plan (1999–2000), F will remain at the

current level (F = 0.51) and then will be reduced to F = 0.41 in years 3–5 (2001–2003) and finally to F = 0.31 in years 6–9 (2004–2007). This schedule would allow for stock rebuilding to the level which would support harvests at or near MSY by the year 2007.

The following is a summary of the management measures proposed to be adopted by the Council and the Commission for implementation in Amendment 1.

Permitting and Reporting Requirements

1. Operator permits for commercial and party and charter boats.
2. Vessel permits for party and charter boats.
3. Vessel permits for commercial vessels (permit to sell).
4. Dealer permits (permits to purchase).
5. Permitted vessels may only sell to permitted dealers and permitted dealers may only buy from permitted vessels.
6. Party and charter boat, commercial vessel, and dealer reporting requirements.

Establishment of a Bluefish Monitoring Committee

The Bluefish Monitoring Committee would be a joint committee of the Council and Commission that would consist of staff representatives of the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils, the Northeast Regional Office, the Northeast Fisheries Center, and Commission representatives. The Bluefish Monitoring Committee would annually review the best available data and recommend to the Council Committee and Commission Bluefish Management Board commercial (annual quota, minimum fish size, and minimum mesh size) and recreational (possession and size limits and seasonal closures) measures designed to assure that the target mortality level for bluefish is not exceeded.

Framework Adjustment Process

In addition to the annual review and modifications to management measures associated with the monitoring committee process, the Council could add or modify management measures through a framework adjustment procedure. This adjustment procedure would allow the Council to add or modify management measures through a streamlined public review process. As such, management measures that have been identified in the plan could be implemented or adjusted at any time during the year. The Commission could implement the same modifications through its adaptive management process.

Commercial Management Measures

It would be illegal for individuals who possess commercial bluefish permits to possess bluefish less than 12 inches (30.5 cm) total length (TL). If appropriate, the minimum fish size may be changed following the Bluefish FMP Monitoring Committee process or the framework adjustment process. Minimum mesh restrictions for otter trawls and gill nets may be implemented according to framework provisions.

A quota would be allocated to the commercial fishery to control fishing mortality. The quota would be based on the most recent estimates of stock size coupled with the target fishing mortality rate (which would allow for a calculation of total allowable landings). Based on the historical proportion of commercial and recreational landings for the period 1981–1989, 17 percent of the total allowable landings (TAL) would be allocated to the commercial fishery. If 17 percent of the TAL was less than 10.5 million lb (4,763 mt), the quota could be increased up to 10.5 million lb (4,763 mt), providing that the recreational fishery was not anticipated to land its entire allocation for the upcoming year. A state-by-state system to distribute and manage the annual commercial quota would be implemented by the Council and Commission. Quotas would be distributed to the states based on their percentage share of commercial landings for the period 1981-1989.

De Minimus Specifications

Any state that has commercial landings less than 0.1 percent of the total coastwide commercial landings in the last preceding year for which data are available would be eligible for *de minimus* status. The *de minimus* specifications apply only to the commercial fishery. Any state granted *de minimus* status would be allocated 0.1 percent of the coastwide commercial quota. The sum of the allocations to *de minimus* states would be deducted from the coastwide commercial quota before the remainder is allocated to the other states.

Recreational Fishery Measures

The recreational fishery throughout the management unit would be managed through an annual evaluation of a framework system of possession limits, size limits, and seasonal closures. The annual recreational possession limit, size limit, and season would be set at a range of 0 and the maximum allowed by the recreational share of the adopted fishing mortality rate reduction strategy. Initially, in addition to the current 10 fish possession limit, it would be illegal for recreational fishermen to possess whole bluefish or parts of bluefish less than 12 inches (30.5 cm) TL. Parts of bluefish could be less than the minimum size if the party/charter vessel had a permit from the state of landing that allowed smaller parts to be landed. States could develop and implement alternative recreational management measures that were equivalent to the coastwide measures.

A recreational harvest limit would be allocated to the recreational fishery to reduce exploitation rates on the fully recruited age groups. The harvest limit would be based on the most recent estimates of stock size coupled with the target fishing mortality rate (which would allow for a calculation of TAL). Based on the historical proportion of commercial and recreational landings from 1981–89, 83 percent of the TAL would be allocated to the recreational fishery.

Public Hearings

The dates, locations, and times of the hearings are scheduled as follows:

1. Monday, August 24, 1998, 7:30 p.m.—Kingborough Community College, Marine and Academic Center, 2001 Oriental Boulevard, Manhattan Beach, NY.
2. Monday, August 24, 1998, 7 p.m.—Holiday Inn Toms River, 290 Highway 37 East, Toms River, NJ.
3. Monday, August 24, 1998, 7 p.m.—Sheraton Fontainebleau Hotel, 10100 Coastal Highway, Ocean City, MD.
4. Tuesday, August 25, 1998, 1 p.m.—Comfort Inn Airport, 1940 Post Road, Providence, RI.
5. Tuesday, August 25, 1998, 7:30 p.m.—Holiday Inn, 3845 Veterans Memorial Highway, Ronkonkoma, NY.
6. Tuesday, August 25, 1998, 7 p.m.—Grand Hotel, Oceanfront and Philadelphia Avenue, Cape May, NJ.
7. Wednesday, August 26, 1998, 7 p.m.—Sandwich Community School, 365 Quaker Meetinghouse Road, Buzzards Bay, MA.
8. Thursday, August 27, 1998, 7 p.m.—Days Inn, 375 East Main Street, Branford, CT.
9. Monday, August 31, 1998, 7:30 p.m.—Division of Fish and Wildlife, Department of Natural Resources Auditorium, 89 Kings Highway, Dover, DE.
10. Monday, August 31, 1998, 7 p.m.—Stuart City Hall, 121 Southwest Flagler Avenue, Stuart, FL.
11. Tuesday, September 1, 1998, 7 p.m.—VA Marine Resources

Commission, 2600 Washington Avenue, Newport News, VA.

12. Wednesday, September 2, 1998, 7 p.m.—North Carolina Aquarium, 374 Airport Road, Manteo, NC.

13. Thursday, September 3, 1998, 7 p.m.—Duke University Marine Lab, 135 Duke Marine Lab Road, Beaufort, NC.

The hearings will be taped and the tapes will be filed as the official transcript of the hearings.

Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council office at least 5 days prior to the hearing date.

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

Dated: August 6, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–21766 Filed 8–12–98; 8:45 am]

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