warranted for the Santa Ana sucker. Though the Service was compelled by the United States District Court for the Northern District of California to issue the 90-day finding, the Service indicated that a status review of the Santa Ana sucker would be commenced in accordance with the final listing priority guidance (61 FR 24722). Because the processing of petitions is a tier 3 listing action according to the recently extended guidance (61 FR 48962), the status review and 12-month finding typically should be delayed until other higher priority or tier 2 actions (i.e., final rules) are completed. However, the district court ordered the Service on October 10, 1996, to complete its review of the petition by March 28, 1997. As a result, the Service is initiating a status review of the Santa Ana sucker as the first step to comply with the court order.

The Santa Ana sucker (*Catostomus santaanae*) is a member of the sucker family (Catostomidae). The Santa Ana sucker was originally described as *Pantosteus santa-anae* by Snyder (1908, as in Moyle 1976). The genus *Pantosteus* was reduced to a subgenus of *Catostomus* and the hyphen omitted from the specific name in a subsequent revision of the nomenclature (Smith 1966). The American Fisheries Society recognizes the Santa Ana sucker as a full species, *C. santaanae* (Robins et al. 1991).

The historical range of the Santa Ana sucker includes the Los Angeles, San Gabriel, and Santa Ana River drainage systems located in southern California (Smith 1966). An introduced population also occurs in the Santa Clara River drainage system in southern California (Moyle 1976). Moyle and Yoshiyama (1992) stated that only the San Gabriel River population can be considered relatively viable and self-sustaining within the native range.

Although the Santa Ana sucker was described as common in the 1970s (Moyle 1976), the species has experienced dramatic declines throughout most of its range (Moyle and Yoshiyama 1992). Santa Ana suckers have adaptations such as short generation time, high fecundity, and a relatively prolonged spawning period that presumably allows them to rapidly repopulate streams after severe flooding events (Greenfield et al. 1970). Nevertheless, they are intolerant of polluted or highly modified streams (Moyle and Yoshiyama 1992). Urbanization, water diversions, dams, pollution, heavy recreational use, gold mining wastes, gravel extraction, and introduced competitors and or predators may have contributed in the decline of the species (Moyle and Yoshiyama 1992, Swift et al, 1993).

Swift (in Moyle and Yoshiyama 1992) summarized the status and threats facing each of the populations in their native range.

- Los Angeles River (Big Tujunga Creek below Big Tujunga Dam)—Fluctuations in water quality pose problems for all fishes in this reach. The Santa Ana sucker is rare and may already be lost here.
- San Gabriel River (contiguous West, North, and East forks about 40 km below Cogswell Dam)—The West Fork is threatened by accidental high flows from Cogswell Reservoir that have devastated this reach in the past. The Cattle Canyon tributary of the East Fork is impacted by increased gold mining (suction dredging) and the population has been much reduced or may be absent in Cattle Canyon.
- Santa Ana River—Several hundred fish were observed below Prado Dam in 1986 and 1987, although sampling above the dam in 1987 yielded only five Santa Ana suckers. Water quality is threatened by many and various local inputs, such as runoffs from light industry and surrounding farmed lands (T. Haglund, in Sierra Club Legal Defense Fund 1994).

Subsequent to the receipt of the petition, a general fish survey of the Santa Ana River below Prado Dam yielded only 5 suckers from a total of approximately 150 fishes captured (Mike Guisti, California Game and Fish Department, pers. comm.). A survey of the East Fork of the San Gabriel River above the confluence with Cattle Canyon found the sucker to be relatively common, 198 of 553 fish captured (R. Ally, California Department of Fish and Game, pers. Comm.). The present status of the Santa Ana sucker in the Los Angeles River is unknown.

Written comments and materials submitted to the Service office in the **ADDRESSES** section and received by December 26, 1996 will be considered in the 12-month finding.

Reference Cited

Greenfield, D. W., S. T. Ross, and G. D. Deckert. 1970. Some aspects of the life history of the Santa Ana sucker, *Catostomus (Pantosteus) santaanae* (Snyder). California Fish and Game 56:166–179.

Moyle, P. B. 1976. Inland Fishes of California. University of California Press, 405 pp.

Moyle, P. B. and R. M. Yoshiyama. 1992. Fishes, aquatic diversity management areas, and endangered species: Plan to protect California's native aquatic biota. The California Policy Seminar, University of California.

Robins, C. R., R. M. Baily, C. E. Bond, J. R. Brooker, E. A. Lachner, R. N. Lea, and W. B. Scott. 1991. Common and scientific names of fishes of the United States and Canada. American Fisheries Society Special Publication 20. Bethesda, Maryland.

Sierra Club Legal Defense Fund. 1994. Petition to designate the Santa Ana sucker, Santa Ana speckled dace, and Shay Creek threespine stickleback as endangered species pursuant to the Endangered Species Act of 1973, as amended.

Smith, G. R. 1966. Distribution and evolution of the North American *Pantosteus*, genus *Catostomus*. Miscellaneous Publication Museum Zoology, University of Michigan, No. 129:1–132.

Swift, C. C., T. R. Haglund, M. Ruiz, and R. N. Fisher. 1993. The status and distribution of the freshwater fishes of southern California. Bulletin of the Southern California Academy of Sciences, 92:1–67.

Authority

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

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: November 19, 1996.

Thomas Dwyer,

Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.

[FR Doc. 96–30123 Filed 11–25–96; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 961114317–6317–01; I.D. 102596B]

RIN 0648–XX70

Atlantic Surf Clam and Ocean Quahog Fisheries

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

ACTION: Proposed 1997 fishing quotas for surf clams and ocean quahogs; request for comments.

SUMMARY: NMFS issues proposed quotas for the Atlantic surf clam and ocean quahog fisheries for 1997. These quotas were selected from a range defined as optimum yield (OY) for each fishery. The intent of this action is to establish

allowable harvests of surf clams and ocean quahogs from the exclusive economic zone in 1997.

DATES: Public comments must be received on or before December 26, 1996.

ADDRESSES: Copies of the Mid-Atlantic Fishery Management Council's analysis and recommendations are available from David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19901–6790.

Send comments to: Dr. Andrew A. Rosenberg, Regional Administrator, Northeast Region, NMFS, 1 Blackburn Drive, Gloucester, MA 01930–2298. Mark on the outside of the envelope, ''Comments—1996 Surf Clam and Ocean Quahog Quotas.''

FOR FURTHER INFORMATION CONTACT: David Gouveia, Fishery Management Specialist, 508–281–9280.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fisheries (FMP) directs the Secretary of Commerce (Secretary), in consultation with the Mid-Atlantic Fishery Management Council (Council), to specify quotas for surf clams and ocean quahogs on an annual basis from a range that represents the OY for each species. For surf clams, the quota must fall within the OY range of 1.85 million bushels to 3.40 million bushels. For ocean quahogs, the quota must fall within the OY range of 4.00 million bushels to 6.00 million bushels. Further, it is the policy of the Council that the harvest levels selected should allow fishing to continue at that level for at least 10 years for surf clams and 30 years for ocean quahogs. While staying within these constraints, the quotas are also to be set at a level that would meet the estimated annual demand.

During its discussions of the 1996 quota recommendations, the Council was advised by NMFS to revise the overfishing definitions specified in the FMP. Subsequently, the Council revised the definitions and submitted them to NMFS as Amendment 9 to the FMP. Overfishing was previously defined for both species in terms of actual yield levels. That is, overfishing was defined as harvests in excess of the quota levels specified. However, that definition did not incorporate biological considerations to protect against overfishing. The overfishing definitions contained in Amendment 9 (61 FR 50807, September 27, 1996), which were recently approved by NMFS on behalf of the Secretary, are fishing mortality rates of $F_{20\%}$ (20 percent of Maximum Spawning Potential (MSP)) for surf clams and $F_{25\%}$ (25 percent of MSP) for ocean quahogs. These levels equate to annual exploitation rates of 15.3 percent for surf clams and 4.3 percent for ocean quahogs.

In proposing the quotas set forth herein, the Council considered the available stock assessments, data reported by harvesters and processors, and other relevant information concerning exploitable biomass and spawning biomass, fishing mortality rates, stock recruitment, projected effort and catches, and areas closed to fishing. This information was presented in a written report prepared by the Council. The proposed quotas for the 1997 Atlantic surf clam and ocean quahog fisheries are shown below. The surf clam quota would be unchanged from the 1996 level, and the ocean quahog quota would be reduced by approximately 3 percent.

PROPOSED 1997 SURF CLAM/OCEAN QUAHOG QUOTAS

Fishery	1997 final quotas (bu)	1997 final quotas (hL)
Surf clam	2,565,000	1,362,000
Ocean quahog	4,317,000	2,292,000

Surf Clams

Amendment 9 defines overfishing for surf clams as $F_{20\%}$. This translates roughly to F = 0.18 for surf clams. The proposed 1997 quota for surf clams of 2.565 million bushels was recommended by the Science and Statistical Committee (SSC) of the Council and adopted by the Council at its September 1996 meeting. This quota yields an approximate F = 0.12 for all areas. Therefore, the proposed quota is below the threshold definition for overfishing.

This proposed quota meets the 1996 Stock Assessment Workshop (SAW)–22 Advisory Report recommendation ''that the current (i.e., 1996) surf clam quota be maintained until a new stock assessment is available with abundance estimates based on fishery catch rate and research survey data.'' A research survey is scheduled to be conducted in 1997. This quota is within the OY range of 1.85 to 3.4 million bushels required by the FMP. The Council assumed that none of the Georges Bank resource (approximately one quarter of the total resource) would be available during the next 10 years for harvesting, because implementation of a protocol for testing paralytic shellfish poisoning (PSP) is unlikely to happen within 10 years. Both the SSC and the Council Surf Clam and Ocean Quahog Committee believed that the reopening of the Georges Bank area was uncertain and too speculative to base quota recommendations upon. The Industry Advisory Group concurred.

Ocean Quahogs

Amendment 9 defines overfishing for ocean quahogs as $F_{25\%}$. This translates to F = 0.04 for ocean quahogs. The proposed 1997 quota for ocean quahogs of 4.317 million bushels, a reduction of 3 percent from 1996, was recommended by the Council staff and adopted by the Council at its September meeting. The proposed quota yields an F = 0.032. Therefore, the proposed quota is below the threshold definition for overfishing. The proposed quota still assumes that all of the Georges Bank biomass may become available to the fishery over the course of the 30-year harvest period. The Council assumes that the PSP testing protocol will be implemented within 30 years. However, the Council stated that additional quota reductions would be necessary in the future, if demonstrable progress is not made toward implementing the protocol and reopening Georges Bank in the near future. In addition, the 1996 SAW–22 Advisory Report did not provide any forecast for ocean quahogs and only provided the management advice that a 30-year supply is possible only if areas off southern New England and Long Island, generally too deep to be harvested with current technology, and PSP-contaminated biomass on Georges Bank become available for harvest.

Classification

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that

these proposed specifications issued under authority of the Magnuson-Stevens Fishery Conservation and Management Act, if adopted as proposed, will not have a significant economic impact on a substantial number of small entities. These proposed specifications would establish the same annual quota for surf clams in 1997 (2.565 million bushels), as in 1996, and an annual quota for ocean quahogs of 4.317 million bushels in 1997, which is only a 3-percent reduction in the quota for that species in 1996.

It is not expected that any vessels would cease operations if the proposed specifications for 1997 are implemented, and compliance costs should not increase by 10 percent or more for 20 percent of the vessels or processors in any of these fisheries. Also, 20 percent or more of the vessels or processors in the fishery should not experience a gain or loss of revenues of 5 percent or more.

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

Dated: November 19, 1996.

Gary Matlock,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 96–30074 Filed 11–25–96; 8:45 am]

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50 CFR Part 679

[Docket No. 961107312–6312–01; I.D. 102296B]

RIN 0648–XX69

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish Fishery of the Bering Sea and Aleutian Islands; Proposed 1997 Harvest Specifications for Groundfish

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

ACTION: Proposed 1997 initial specifications for groundfish and associated management measures; request for comments.

SUMMARY: NMFS proposes 1997 initial harvest specifications, prohibited species bycatch allowances, and associated management measures for the groundfish fishery of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to establish harvest limits and associated management measures for groundfish during the 1997 fishing year. The intended effect of this action is to conserve and manage the groundfish resources in the BSAI and to provide an opportunity for public participation in the annual groundfish specification process.

DATES: Comments must be received by December 23, 1996.

ADDRESSES: Comments must be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668, Attn: Lori Gravel.

The preliminary 1997 Stock Assessment and Fishery Evaluation (SAFE) report, dated September 1996, is available from the North Pacific Fishery Management Council, West 4th Avenue, Suite 306, Anchorage, AK 99510–2252 (907–271–2809).

FOR FURTHER INFORMATION CONTACT: Susan J. Salveson, NMFS, 907–586–7228.

SUPPLEMENTARY INFORMATION:

Background

Groundfish fisheries in the BSAI are governed by Federal regulations at 50 CFR part 679 that implement the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Island Area (FMP). The FMP was prepared by the North Pacific Fishery Management Council (Council) and approved by NMFS under the Magnuson Fishery Conservation and Management Act.

The FMP and implementing regulations require NMFS, after consultation with the Council, to specify annually the total annual catch (TAC) for each target species and the ''other species'' category, the sum of which must be within the optimum yield (OY) range of 1.4 million to 2.0 million metric tons (mt) (§ 679.20(a)(1)(i)). Regulations under § 679.20(c)(1) further require NMFS to publish annually and solicit public comment on proposed annual TACs, prohibited species catch (PSC) allowances, seasonal allowances of the pollock TAC, and amounts for the pollock and sablefish Community Development Quota (CDQ) reserve. The proposed specifications set forth in Tables 1–8 of this action satisfy these requirements. For 1997, the sum of proposed TAC amounts is 1,943,190 mt. Under § 679.20(c)(3), NMFS will publish the final annual specifications for 1997 after considering: (1) Comments received within the comment period (see **DATES**), and (2) consultations with the Council at its December 1996 meeting.

Regulations at § 679.20(c)(2)(ii) require that one-fourth of each proposed initial TAC (ITAC) amount and apportionment thereof, one-fourth of each PSC allowance established under § 679.21, and the first seasonal allowances of pollock become effective 0001 hours, Alaska local time (A.l.t.), January 1, on an interim basis and remain in effect until superseded by the final harvest specifications, which will be published in the Federal Register.

NMFS is publishing, in the Rules and Regulations section of this issue of the Federal Register, interim TAC specifications and apportionments thereof for the 1997 fishing year, which will become available 0001 hours, A.l.t. January 1, 1997, and remain in effect until superseded by the final 1997 harvest specifications.

Proposed Acceptable Biological Catch (ABC) and TAC Specifications

The proposed ABC and TAC for each species are based on the best available biological and socioeconomic information. The Council, its Advisory Panel (AP), and its Scientific and Statistical Committee (SSC) reviewed current biological information about the condition of groundfish stocks in the BSAI at their September 1996 meeting. This information was compiled by the Council's BSAI Groundfish Plan Team (Plan Team) and is presented in the preliminary 1997 SAFE report for the BSAI groundfish fisheries, dated September 1996. The Plan Team annually produces such a document as the first step in the process of specifying TACs. The SAFE report contains a review of the latest scientific analyses and estimates of each species' biomass and other biological parameters, as well as summaries of the available information on the BSAI ecosystem and the economic condition of groundfish fisheries off Alaska. From these data and analyses, the Plan Team estimates an ABC for each species category. The preliminary 1997 SAFE report will be updated to include information collected during 1996 resource assessment surveys. Revised stock assessments will be made available by the Plan Team in November 1996 and included in the final 1997 SAFE report.

The proposed ABC amounts adopted by the Council for the 1997 fishing year are based on the best available scientific information, including projected biomass trends, information on assumed distribution of stock biomass, and revised technical methods used to calculate stock biomass. The proposed ABCs also are based upon proposed new definitions for ABC and overfishing levels, which were adopted by the Council at its June 1996 meeting under Amendment 44 to the FMP. A notice of availability of Amendment 44 was published in the Federal Register October 17, 1996 (61 FR 54145), that describes the proposed new definitions. In general, these proposed definitions involve sophisticated statistical analyses of fish populations and are based on a successive series of six levels, or tiers, of reliable information available to fishery scientists. ABC and overfishing levels are determined according to the tier that best characterizes the available information. Although Amendment 44 has yet to be approved by NMFS, the Plan Team adopted preliminary ABCs based on the proposed definitions to: (1) Compensate for uncertainty in status of stocks by establishing fishing mortality rates more conservatively as biological parameters become more imprecise, (2) relate fishing mortality rates directly to biomass for stocks below target abundance levels, and (3) maintain a buffer between ABC and the overfishing level. The revised definitions result in lower exploitation rates and ABCs for most species, although biomass estimates generally are unchanged. Details of the Plan Team's