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**Edward R. English,**

*Director, Office of Safety Enforcement,  
Federal Railroad Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 229

[I.D. 042597B]

#### Taking of Marine Mammals Incidental to Commercial Fishing Operations; Gulf of Maine Harbor Porpoise Take Reduction Plan Regulations

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

**ACTION:** Reopening of public comment period.

**SUMMARY:** On August 13, 1997, NMFS published proposed regulations to implement a plan to reduce the bycatch and mortality of harbor porpoises that occur incidental to sink gillnet fishing in the Gulf of Maine. The public comment period for the proposed regulations ended on October 14, 1997. NMFS is hereby reopening the public comment period for an additional 30 days. The comment period will reopen on December 16, 1997, and extend until January 14, 1998.

**DATES:** Written comments must be received on or before January 14, 1998.

**ADDRESSES:** Send comments on the proposed regulations to Chief, Marine Mammal Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, or by calling (301) 713-2322. Copies of the draft Harbor Porpoise Take Reduction Plan (HPTRP) and Environmental Assessment are available upon request from Douglas Beach, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, or from Donna Wieting, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Kevin Chu, NMFS, 508-495-2291 or Donna Wieting, NMFS, 301-713-2322.

**SUPPLEMENTARY INFORMATION:** On August 13, 1997 (62 FR 43302), NMFS published a proposed regulation to implement a plan to reduce the bycatch and mortality of harbor porpoises that

occur incidental to sink gillnet fishing in the Gulf of Maine. These regulations were based on a draft HPTRP submitted by the Gulf of Maine Harbor Porpoise Take Reduction Team (HPTRT) pursuant to the Marine Mammal Protection Act. The notice indicated that comments must be received by October 14, 1997.

NMFS has decided to reconvene the HPTRT on December 16 and 17, 1997. NMFS has, therefore, decided to reopen the public comment period on the proposed regulations for an additional 30 days from the first date of the HPTRT meeting.

Dated: December 8, 1997.

**Patricia A. Montanio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 971124274-7274-01; I.D. 110597A]

RIN 0648-AH67

#### Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** NMFS proposes regulations to implement Amendment 36 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 39 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). This action would define a forage fish species category in both FMPs and implement associated management measures. The intended effect of this action is to prevent the development of a commercial directed fishery for forage fish, which are a critical food source for many marine mammal, seabird, and fish species. This action is necessary to conserve and manage the forage fish resource off Alaska and to further the goals and objectives of the FMPs.

**DATES:** Comments on the proposed rule must be received at the following address by January 26, 1998.

**ADDRESSES:** Comments must be sent to the Assistant Regional Administrator, Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or delivered to the Federal Building, 709 West 9th. Street, Juneau, AK. Copies of the proposed FMP amendments and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for Amendments 36 and 39 are available from NMFS at the above address, or by calling the Alaska Region, NMFS, at 907-586-7228.

**FOR FURTHER INFORMATION CONTACT:** Kent Lind, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands management area (BSAI) and of the Gulf of Alaska (GOA) are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI and GOA appear at 50 CFR parts 600 and 679.

The Council has submitted Amendments 36 and 39 for Secretarial review and a Notice of Availability (NOA) of the FMP amendments was published on November 12, 1997 (62 FR 60682), with comments on the FMP amendments invited through January 12, 1997. Written comments may address the FMP amendments, the proposed rule, or both, but must be received by January 12, 1997, to be considered in the approval/disapproval decision on the FMP amendments.

#### Management Background and Need for Action

Forage fish are abundant fishes that are preyed upon by marine mammals, seabirds, and commercially important groundfish species. Forage fish perform a critical role in the complex ecosystem functions of the BSAI and the GOA by providing the transfer of energy from the primary or secondary producers to higher trophic levels.

Significant declines in marine mammals and seabirds in the BSAI and GOA have raised concerns that decreases in the forage fish biomass may contribute to the further decline of marine mammal, seabird, and commercially important fish populations. Forage fish are the principal diet of more than two thirds of Alaskan seabirds. In addition, many seabirds can subsist on a variety of invertebrates and fish during