

Trotlines must consist of a length of cotton line that extends from the point of attachment into the water.

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Dated: June 3, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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50 CFR Part 32

RIN 1018-AD80

Addition of Bald Knob National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Arkansas

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Bald Knob National Wildlife Refuge to the list of areas open for hunting and sport fishing in Arkansas along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound fish and wildlife management, and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges.

DATES: Comments may be submitted on or before July 22, 1996.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Stephen R. Vehrs, at the address above; Telephone (703) 358-2397.

SUPPLEMENTARY INFORMATION: National wildlife refuges generally are closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action also must be in accordance with provisions of all laws applicable to the areas, must be consistent with the principles of sound fish and wildlife management, and otherwise must be in the public interest. The Service proposes to open Bald Knob National Wildlife Refuge to hunting migratory

game birds, upland game, big game and sport fishing.

Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing and public recreation, accommodations and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act (RRA) authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were established. The NWRSA and the RRA also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

In many cases, refuge-specific regulations are developed to ensure the compatibility of the programs with the purposes for which the refuge was established. Initial compliance with the NWRSA and the RRA has been ensured for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at the time of acquisition. This has ensured that the determinations required by these acts have been made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. Continued compliance is ensured by the development of long-term hunting and sport fishing plans and by annual review of hunting and sport fishing programs and regulations.

The Service has determined that this action is in accordance with the

provisions of all applicable laws, is consistent with principles of sound fish and wildlife management, helps implement Executive Order 12962 (Recreational Fisheries), and is otherwise in the public interest by providing additional recreational opportunities at national wildlife refuges. Sufficient funds will be available within the refuge budget to operate the hunting and sport fishing programs as proposed.

Opening Package

In preparation for this opening, the following documents are included in the refuge's "openings package" for Regional review and approval from the Washington Office: a hunting and fishing management plan; an environmental assessment; a Finding of No Significant Impact (FONSI); a Section 7 evaluation or statement, pursuant to the Endangered Species Act, that this opening is not likely to adversely affect a listed species or critical habitat; a letter of concurrence from the affected State; and refuge-specific regulations to administer the hunting and fishing programs. Upon review of these documents, the Secretary has determined that the opening of the Bald Knob National Wildlife Refuge to hunting and sport fishing is compatible with the principles of sound fish and wildlife management and otherwise will be in the public interest.

In accordance with the NWRSA and the RRA, the Secretary also has determined that this opening for hunting and sport fishing is compatible and consistent with the primary purposes for which the refuge was established and that sufficient funds are available to conduct the activity. A brief description of the refuge program follows.

Bald Knob National Wildlife Refuge

Bald Knob National Wildlife Refuge was established on September 22, 1993. The initial purchase was the first of an accepted multi-year purchase of 12,940 acres from John Hancock Mutual Life Insurance Company. The refuge is located in White County, Arkansas, southwest of Bald Knob, Arkansas. The refuge is bordered by the Little Red River and is adjacent to the state-owned Hurricane Wildlife Management Area. This protected corridor of wetlands is strategically located in the Mississippi Flyway and has been identified as a high priority site of the North American Waterfowl Management Plan. The area has historically wintered large concentrations of waterfowl and is

recognized as a major concentration area for wintering pintails in Arkansas.

Prior to acquisition by the Service, consistent winter flood regimes did not exist. Emphasis was placed on maintenance of drainage systems, water control structures, and levee construction/maintenance to maximize farming opportunities. These intensive agricultural practices on the area were generally conducted at times or in a manner that impacts were generally negative or marginally beneficial to the wildlife resource.

The refuge is located in the Mississippi Alluvial Valley Ecosystem and historically consisted of bottomland hardwood forests and associated forested wetland wildlife species. Only remnants of the bottomland hardwood forests exist today with the majority of the refuge properties being composed of open agricultural fields. Approximately 12,700 acres of the proposed 14,000 acre refuge consists of open farm fields. The remaining acreage consists of sloughs and forested habitat types. Although the refuge consists primarily of open land, it is utilized by a variety of resident and non-resident wildlife species, including white-tailed deer, coyote, beaver, mink, muskrat, raccoon, rabbit, waterfowl, and neo-tropical songbirds. The refuge also is utilized by bald eagles, peregrine falcons, marsh hawks, red-tailed hawks, barred owls and a host of other raptors, especially during the winter months. In addition, aquatic habitats of the refuge support a variety of indigenous fresh water fish, reptiles, amphibians, and fresh water mussel species.

Refuge hunting and fishing plans have been developed to ensure the associated public recreation and wildlife management objectives are met in a responsible and consistent manner. The primary purpose of the refuge is to preserve wintering habitat for waterfowl. Bald Knob NWR is administered as part of the Cache River NWR and any operational plans developed for Bald Knob NWR will be under the umbrella and guidance of the Comprehensive Management Plan for the Cache/Lower White Rivers Ecosystem. The goals identified in this plan are:

- To provide continued public use opportunity, which is not incompatible with restoration and/or conservation of ecosystem function or legal mandates; and
- To actively promote and encourage public use, which facilitates ecosystem functional restoration and management.

In keeping with the intent of this goal the following objectives for the Bald Knob NWR were developed:

- To provide and maintain optimum habitat for migratory waterfowl;
- To provide habitat and protection for endangered species;
- To provide for a natural diversity of wildlife species; and
- To provide opportunities for wildlife-oriented recreation and environmental education when compatible with other refuge objectives.

The objectives for the refuge hunting and fishing programs are as follows:

- To provide the general public with a quality wildlife-oriented recreational experience and an opportunity to utilize a renewable natural resource; and
- To maintain wildlife populations at levels compatible with the refuge habitat.

Hunting and fishing was a traditional recreational use of the refuge property prior to inclusion into the refuge system. Hunting and fishing are also very popular recreational pursuits with the local public. However, opportunities have become very limited in the surrounding area because of the posting of private land, expansion of private leases, and a significant decline in available habitat. Refuge hunting and fishing will provide much needed opportunities in this area. The development of refuge regulations, zoning, and other management will be designed to promote a quality outdoor experience with reasonable harvest opportunities and uncrowded conditions.

Paperwork Reduction Act

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and has found it to contain no information collection requirements.

Economic Effect

Service review has revealed that this rulemaking will increase hunter and fishermen visitation to the surrounding area of the refuge before, during or after recreational uses, compared to the refuge being closed to these recreational uses. When the Service acquired this land, all public use ceased under law until opened to the public in accordance with this rulemaking.

The refuge is located away from large metropolitan areas. Businesses in the area consist primarily of small family-owned stores, restaurants, gas stations and other small commercial enterprises. In addition, there are several small commercial and recreational fishing and hunting camps and marinas in the general area. This proposed rule would have a positive effect on such entities, however, the amount of revenue generated is not large.

Many area residents enjoy a rural lifestyle that includes frequent recreational use of the abundant natural resources of the area. A high percentage of the households enjoy hunting, fishing, and boating in area wetlands, rivers and lakes. Many nearby residents also participate in other forms of nonconsumptive outdoor recreation, such as biking, hiking, camping, birdwatching, canoeing, and other outdoor sports.

Economic impacts of refuge fishing and hunting programs on local communities are calculated from average expenditures in the "1995 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation". In 1995, 42 million U.S. residents 16 years old and older hunted and/or fished. More specifically, 37 million fished and 14.5 million hunted. Those who both fished and hunted account for the 9.5 million overage. Nationwide expenditures by sportsmen totaled \$42 billion. Trip-related expenditures for food, lodging, and transportation were \$16 billion or 37 percent of all fishing and hunting expenditures; equipment expenditures amounted to \$19 billion, or 46 percent of the total; other expenditures such as those for magazines, membership dues, contributions, land leasing, ownership, licenses, stamps, tags, and permits accounted for \$6.9 billion, or 16 percent of all expenditures. Overall, anglers spent an average of \$41 per day. For each day of hunting, big game hunters averaged spending \$40, small game hunters \$20, and migratory bird hunters \$33.

Applying these national averages to projected visitation at Bald Knob NWR results in the following: 300 fishermen are expected to spend \$12,300 annually in pursuit of their sport, while an estimated 200 hunters will spend \$6,600 annually hunting on the refuge.

This rulemaking was not subject to Office of Management and Budget review under Executive Order 12866. A review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that although the rulemaking would increase visitation and expenditures in the surrounding area of the refuge, it would not have a significant effect on a substantial number of small entities in the area, such as businesses, organizations and governmental jurisdictions.

Environmental Considerations

Pursuant to the requirements of section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(2)(C)), an environmental assessment was prepared for this

opening. Based upon the Environmental Assessment, the Service issued a Finding of No Significant Impact with respect to the opening. A Section 7 evaluation pursuant to the Endangered Species Act was conducted. The Service determined that the proposed action will not affect any Federally listed or endangered species or their critical habitats. These documents are on file at the offices of the Service and may be reviewed by contacting the primary author.

Unfunded Mandates

The Service has determined and certifies pursuant to the Unfunded Mandates Act, 2 U.S.C. 1502 et seq., that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities.

Primary Author, Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC 20240, is the primary author of this rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, Wildlife refuges.

Accordingly, Part 32 of Chapter I of Title 50 of the *Code of Federal Regulations* is proposed to be amended as follows:

PART 32—[AMENDED]

1. The authority citation for Part 32 continues to read as follows:

Authority: 5 U.S.C. 301; 16 U.S.C. 460k, 664, 668dd, and 715i.

§ 32.7 [Amended]

2. Section 32.7 *List of refuge units open to hunting and/or fishing*, is amended by alphabetically adding the listing "Bald Knob National Wildlife Refuge" under the State of Arkansas.

3. Section 32.23 *Arkansas* is amended by adding in alphabetical order Bald Knob National Wildlife Refuge to read as follows:

§ 32.23 *Arkansas*.

* * * * *

Bald Knob National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

D. Sport Fishing. Fishing and frogging are permitted on designated areas of the refuge subject to the following conditions:

1. Fishing and frogging is permitted only during published refuge open seasons and in accordance with refuge regulations.

2. All applicable state fishing and frogging regulations must be adhered to.

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Dated: June 7, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

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50 CFR Part 32

RIN 1018-AD85

Addition of Emiquon National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Illinois

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Emiquon National Wildlife Refuge to the list of areas open for hunting and sport fishing in Illinois along with pertinent refuge-specific regulations for such activities. The Service has determined that such use will be compatible with the purposes for which the refuge was established. The Service has further determined that this action is in accordance with the provisions of all applicable laws, is consistent with principles of sound fish and wildlife management, and is otherwise in the public interest by providing additional recreational opportunities at a national wildlife refuge.

DATES: Comments may be submitted on or before July 22, 1996.

ADDRESSES: Assistant Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1849 C Street, NW, MS 670 ARLSQ, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT:

Stephen R. Vehrs, at the address above; Telephone (703) 358-2397.

SUPPLEMENTARY INFORMATION: National wildlife refuges generally are closed to hunting and sport fishing until opened by rulemaking. The Secretary of the Interior (Secretary) may open refuge areas to hunting and/or fishing upon a determination that such uses are compatible with the purpose(s) for which the refuge was established. The action also must be in accordance with

provisions of all laws applicable to the areas, must be consistent with the principles of sound fish and wildlife management, and otherwise must be in the public interest. The Service proposes to open Emiquon National Wildlife Refuge to migratory game bird hunting, upland game hunting, big game hunting and sport fishing.

Request for Comments

Department of the Interior policy is, whenever practicable, to afford the public a meaningful opportunity to participate in the rulemaking process. A 30-day comment period is specified in order to facilitate public input. Accordingly, interested persons may submit written comments concerning this proposed rule to the person listed above under the heading **ADDRESSES**. All substantive comments will be reviewed and considered.

Statutory Authority

The National Wildlife Refuge System Administration Act (NWRSA) of 1966, as amended (16 U.S.C. 668dd), and the Refuge Recreation Act of 1962 (16 U.S.C. 460k) govern the administration and public use of national wildlife refuges. Specifically, Section 4(d)(1)(A) of the NWRSA authorizes the Secretary of the Interior to permit the use of any area within the Refuge System for any purpose, including but not limited to, hunting, fishing and public recreation, accommodations and access, when he determines that such uses are compatible with the major purpose(s) for which the area was established.

The Refuge Recreation Act (RRA) authorizes the Secretary to administer areas within the Refuge System for public recreation as an appropriate incidental or secondary use only to the extent that it is practicable and not inconsistent with the primary purpose(s) for which the areas were established. The NWRSA and the RRA also authorize the Secretary to issue regulations to carry out the purposes of the Acts and regulate uses.

In many cases, refuge-specific regulations are developed to ensure the compatibility of the programs with the purposes for which the refuge was established. Initial compliance with the NWRSA and the RRA has been ensured for hunting and sport fishing on newly acquired refuges through an interim determination of compatibility made at the time of acquisition. This has ensured that the determinations required by these acts have been made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. Continued