

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.

* * * * *

Dated: June 7, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15290 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P

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

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 these openings are 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 Emiquon 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 fishing is compatible and consistent with the primary purposes for which the refuge was established. A brief description of the refuge program follows:

Emiquon National Wildlife Refuge

In 1993, the Emiquon National Wildlife Refuge, along the Spoon River in Fulton County, Illinois, was established. When fully acquired, the refuge could increase from its current 312 acres to 11,122 acres. Historically, this segment of the Illinois River system was a vast wetland complex composed of shallow marshes, bottomland forest, backwater lake and upland habitats. Two backwater lakes, Thompson Lake (1,800 acres) and Flag Lake (1,000 acres), occupied a former channel of the Illinois River. They provided excellent

habitat for migratory birds, fish, and resident wildlife and were renowned for their recreational opportunities. The large floodplain is a remnant of the former course of the Mississippi River; the last glaciation blocked the ancient Mississippi River between Rock Island and Princeton, Illinois, and forced the Mississippi River to the west.

The refuge was acquired to protect, restore, and manage wetlands, enhance waterfowl and other migratory bird habitat, protect habitat for threatened and endangered wildlife, promote and preserve biodiversity, and provide wildlife-dependent recreation and education. Allowing hunting and fishing provides an opportunity that will facilitate the revival of the Thompson Lake and Flag Lake wetland complex as a natural area available for public use. Approximately 500,000 people live within a one hour drive of the refuge.

Currently, the refuge is held in the public domain, and is governed by a number of public laws which encourage recreational use of the lands. The refuge is managed as part of the Illinois River National Wildlife and Fish Refuges. Refuge objectives include:

- Provide resting, feeding, nesting, and migration habitat for waterfowl and other birds;
- Protect, restore, and manage wetlands, bottomland forests and backwater lake habitat in support of the North American Waterfowl Management Plan and the National Wetlands Priority Conservation Plan;
- Restore, protect, and manage backwater lake habitat to create and maintain high quality fisheries habitat capable of supporting a self-sustaining, balanced fish community in support of the Illinois River fisheries resource;
- Promote natural biological diversity through the protection, restoration, and management of a backwater lake, bottomland forest, and floodplain wetland complex;
- Protect bald eagles and other endangered and threatened species and their habitats, and;
- Increase public opportunities for outdoor recreation, interpretation, and environmental education that are compatible with the preceding purposes.

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.

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 urban/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. Refuge lands were not generally available for general public use prior to government acquisition; however, they were fished and hunted upon by friends and relatives of the landowners, and some were under commercial hunting and fishing leases. 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 Emiquon NWR results in the following: 600 fishermen are expected to spend \$24,600 annually in pursuit of their sport, while an estimated 400 hunters will spend \$13,200 annually while 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, 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 proposed for listing threatened or endangered species or their critical habitats. These documents are on file at the offices of the Service and may be reviewed by making preliminary arrangements with the primary author.

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

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, and 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 7151.

§ 32.7 [Amended]

2. Section 32.7 *List of refuge units open to hunting and/or fishing is*

amended by adding the alphabetical listing of "Emiquon National Wildlife Refuge" under the State of Illinois.

3. Section 32.32 *Illinois* is amended by adding in alphabetical order Emiquon National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

* * * * *

Emiquon National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of migratory game birds is permitted on designated areas of the refuge subject to posted conditions.

B. Upland Game Hunting. Hunting of upland game is permitted on designated areas of the refuge subject to posted conditions.

C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge subject to posted conditions.

D. Sport Fishing. Sport fishing is permitted on designated areas of the refuge subject to the following conditions:

1. Sport fishing is allowed on all refuge waters during daylight hours from January 15, through October 15.
2. Private boats may not be left in refuge waters overnight.
3. Motorboats are restricted to slow speed/minimum wake.

* * * * *

Dated: June 7, 1996.

George T. Frampton, Jr.,
Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15292 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 32

RIN 1018-AD86

Addition of Patoka River National Wildlife Refuge and Management Area to the List of Open Areas for Hunting and Sport Fishing in Indiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Patoka River National Wildlife Refuge and Management Area to the list of areas open for hunting and sport fishing in Indiana 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 Patoka River National Wildlife Refuge and Management Area to hunting migratory 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