

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-AD81

Addition of Tallahatchie National Wildlife Refuge to the List of Open Areas for Sport Fishing in Mississippi

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Tallahatchie National Wildlife Refuge to the list of areas open for sport fishing in Mississippi 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 Tallahatchie National Wildlife Refuge to 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 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 fishing program. Upon review of these documents, the Secretary has determined that the opening of the Tallahatchie National Wildlife Refuge to 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 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.

Tallahatchie National Wildlife Refuge

Tallahatchie National Wildlife Refuge is located in Grenada, Quitman, and Tallahatchie Counties in the central portion of the Mississippi Wetland Management District. Clarksdale is northwest of Black Bayou and Grenada is east of Bear Lake. Mathews Brake National Wildlife Refuge lies south of Bear Lake. Access to the property is by county-maintained gravel roads, field roads, and State Highway 8.

The Service proposes to acquire approximately 15,000 acres in two separate units. The northern unit, Black Bayou, is located in the southeast corner of Quitman County and adjacent Tallahatchie County. The southern unit, Bear Lake, lies along the Tallahatchie-Grenada county line.

The refuge is located in an area of the Lower Mississippi River Delta known as the Yazoo Basin, of which the Tallahatchie River Basin is a component. The entire area is subject to seasonal backwater flooding from the Tallahatchie River System.

This area is rich in biological diversity and is home for myriad wildlife species such as deer, squirrel,

rabbit, raccoons, ducks, other small mammals and birds. The habitat consists of bottomland hardwoods, cleared lands in agricultural use, fallow fields, and a moist soil complex that contains eight separate catfish pond units with complete water management control.

The refuge will be managed primarily as stopover and wintering habitat for migrating waterfowl due to its importance for these waterfowl in the Mississippi Flyway.

The primary fishery resources are found in the backwater lakes and borrow pits. These lakes support populations of game fish including largemouth bass, white and black crappie, bluegill, and other sunfish species. These areas also contain several species of rough fish such as catfish, gar, gizzard shad, carp, buffalo, and freshwater drum.

The Service proposes that the refuge be opened to refuge-wide sport fishing for both game fish and rough fish. Sport fishing on the refuge will be controlled by field observations and limit checks, and by designating access points and vehicle limitations. Activities and methods would be regulated to provide the maximum allowable recreational opportunity without jeopardizing the fishery resource or refuge objectives. Zoning may be implemented, if necessary, to prevent conflict with other public use activities or management objectives.

Areas such as those throughout the Mississippi River Delta have been historically used for recreational and subsistence fishing. Large-scale farming and other commercial land use has led to the destruction or conversion of many wetland areas within the last two decades. This has significantly reduced the opportunity for public sport fishing in the area.

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. Much of this land was open to hunting and/or fishing before it attained refuge status, however, many of the hunters and fishermen were guests of the previous landowner and from the local area. 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. 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 Tallahatchie NWR results in the following: 500 fishermen are expected to spend \$20,500 annually in pursuit of their sport 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 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 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 7151.

§ 32.7 [Amended]

2. Section 32.7 *List of refuge units open to hunting and/or fishing*, is amended by alphabetically adding the

listing "Tallahatchie National Wildlife Refuge" under the State of Mississippi.

3. Section 32.43 *Mississippi* is amended by adding in alphabetical order Tallahatchie National Wildlife Refuge to read as follows:

§ 32.43 Mississippi.

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Tallahatchie National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* [Reserved]

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

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

1. Commercial fishing is prohibited.
2. Daylight use only.
3. Camping is prohibited.
4. Vehicle use is restricted to designated roads.
5. Littering in any form is strictly prohibited.
6. Fires are not permitted on the refuge.
7. All terrain vehicles are not permitted.
8. All State regulations governing seasons, licenses, and creel limits apply.
9. The use of nets, seines, trot lines, or any similar device for taking of fish is prohibited.

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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-AD89

Addition of Boyer Chute National Wildlife Refuge to the List of Open Areas for Sport Fishing in Nebraska

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Boyer Chute National Wildlife Refuge to the list of areas open for sport fishing in Nebraska 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 renewable natural resource area.

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 Boyer Chute National Wildlife Refuge to 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.

Hunting and sport fishing plans are developed for each existing refuge prior to opening it to hunting or fishing. 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 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 fishing programs. Upon review of these documents, the Secretary has determined that the opening of the Boyer Chute National Wildlife Refuge to sport fishing is compatible with the principles of sound fish and wildlife management and otherwise will be in the public interest. A brief description of the refuge program follows.

Boyer Chute National Wildlife Refuge

Boyer Chute National Wildlife Refuge, located in Washington County, Nebraska, comprises approximately 2,000 acres of bottomland forest,