

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 adding the alphabetical listing of "Boyer Chute National Wildlife Refuge" under the State of Nebraska.

3. Section 32.46 *Nebraska* is amended by adding in alphabetical listing of Boyer Chute National Wildlife Refuge to read as follows:

§ 32.46 Nebraska.

* * * * *

Boyer Chute National Wildlife Refuge

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

B. *Upland Game Hunting.* [Reserved]

C. *Big Game Hunting.* [Reserved]

D. *Sport Fishing.* Designated areas of the refuge are open in accordance with State fishing regulations and the special conditions that follow:

1. Personally-attended hook and line fishing is permitted, during daylight hours only.

2. Only non-motorized vessels are permitted in the Chute. Vessels may not be left on the refuge overnight,

3. No floating, limb, or trot lines are permitted.

4. No bow, crossbow, snagging, or spear fishing is allowed.

5. No bait digging, netting, frog, or mussel (clam) collecting is allowed.

* * * * *

Dated: June 3, 1996.

George T. Frampton, Jr.

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15131 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 32

RIN 1018-AD88

Addition of Big Muddy National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Missouri

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Big Muddy National Wildlife Refuge to the list of areas open for hunting and sport fishing in Missouri 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 Big Muddy 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.

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 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 Big Muddy 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. A brief description of the refuge program follows.

Big Muddy National Wildlife Refuge.

The Big Muddy National Fish and Wildlife Refuge is located east of Kansas City, Missouri, to slightly down river from Jefferson City. The refuge was established on September 9, 1994, under the authority of the Fish and Wildlife Act of 1954, " * * * for the development, advancement, management, conservation, and protection of fish and wildlife resources * * *" and currently consists of seven units. It is intended to fill a public need to preserve and restore the Missouri River floodplain, manage fish and wildlife habitats, and provide for compatible public use. Approximately 60,000 acres of floodplain land may eventually be purchased or protected in some way. A refuge of this size will contribute to goals for river ecosystem conservation and restoration, threatened and endangered species recovery, neotropical migrant bird conservation, biological diversity, and fish and wildlife-dependent public recreation on a portion of the Missouri River floodplain.

The refuge also supports and complements the Missouri Department of Conservation's (MDC) 10-year fisheries strategic plan for the Missouri River and the U.S. Army Corps of

Engineers' (Corps) Missouri River Fish and Wildlife Mitigation Project authorized by the Water Resources Development Act of 1986. The Service recognizes the task of restoring sections of the Missouri River's natural floodplain and its associated wildlife habitats and plant communities and the critically important role of conservation partnerships with other agencies, States, Tribes, organizations, and members of the general public. The Service action along this section of the Missouri River, in cooperation with other governmental entities, private groups, and individuals, will demonstrate the type of restoration that is possible on other stretches of the Missouri River. Hunting and fishing is intended to:

- Fulfill the Service's commitment to provide the public with opportunities for outdoor recreation;
- Provide valid fish and wildlife management techniques to influence the distribution and abundance of these animals and aid refuge habitat restoration and management activities; and
- Help keep healthy wildlife populations in balance with available habitat.

Hunting and fishing will be allowed on some or all of the areas acquired by the refuge after determining that:

- Such activity is consistent with other resource objectives; and
- Biological monitoring programs on the refuge and local MDC properties provide adequate assurances that target species support a harvestable surplus.

Hunting and fishing would be conducted in accordance with all applicable State and federal regulations. Coordination with MDC biologists will promote continuity and understanding of Service and State resource goals and objectives and will help assure that the decision-making process takes into account all interests. White-tailed deer, upland game and waterfowl will be the primary focus of most hunting activity, although a minor amount of incidental hunting for other species also will occur.

Fishing interests likely will concentrate on panfish and largemouth bass in isolated ponds, oxbows, scour holes and side channels, while catfish will make up the majority of the catch in the Missouri River. Considering the limited acreage currently acquired by the refuge, it is anticipated that hunters and anglers will record less than 500 use days the first year. This figure will increase in proportion and at a rate comparable to future refuge land acquisitions. Yearly updates will be made to the Hunting and Fishing Plan to incorporate these acquisitions.

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 in proximity to large metropolitan areas. Businesses in the area, however, 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 an urban 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 Big Muddy 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 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 noted below.

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 "Big Muddy National Wildlife Refuge" under the State of Missouri.

3. Section 32.44 *Missouri* is amended by adding in alphabetical order of Big Muddy National Wildlife Refuge to read as follows:

§ 32.44 Missouri.

* * * * *

Big Muddy 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 regulations.

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

C. *Big Game Hunting.* Big game hunting is permitted on designated areas of the refuge subject to posted regulations.

D. *Sport Fishing.* Fishing is permitted on designated areas of the refuge subject to posted regulations.

* * * * *

Dated: June 7, 1996.

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

[FR Doc. 96-15288 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P