

comment period on this proposal, while keeping careful watch on the species' status.

In a letter dated June 3, 1996, Valarie Bristol, Travis County Commissioner for the County encompassing the Barton Springs segment of the Edwards Aquifer and Barton Springs itself, requested that the comment period be reopened in order to accept information regarding the Balcones Canyonlands Preserve, the Loop 1/Highway 290 Task Force, and other information. This letter is printed in its entirety here for the information of potential commenters.

Valarie Bristol,
Travis County Commissioner—Precinct 3,
Travis County Administration Building,
314 W. 11th Street, Room 500, P.O. Box
1748, Austin, Texas 78767, 473-9333
June 3, 1996.

Honorable Bruce Babbitt,
Secretary of the Interior, 1849 C Street, NW,
Mailstop 7229, Washington, D.C. 20240

Dear Secretary Babbitt: As a member of the Travis County Commissioners' Court, I represent the portion of the county which includes the Barton Springs segment of the Edwards Aquifer, the five creeks which overlay it, and the outflow at Barton Springs. This karst system of water flow is a very special treasure and needs thoughtful protection of its water quality.

The listing of the Barton Springs salamander under the Endangered Species Act as an endangered species is a serious decision that requires full analysis. I am asking that the comment period on the listing, which was closed in 1994, be re-opened for a period to allow all significant information which has occurred since then to become part of the decision.

One major event which has occurred has been the formation of the Balcones Canyonlands Preserve which sets aside over 30,000 acres in Travis County, of which 4,000 acres are in the Barton Creek watershed. The Balcones is an example of a public/private partnership that brought together the environmental and landowner communities in an unprecedented level of cooperation for mutual benefit to preserve eight endangered species.

The Loop 1/Highway 290 Task Force is another example of citizens and governments trying to balance growth issues (in this case a highway expansion) with water quality over the aquifer recharge zone. State Representative Sherri Greenberg and I serve as co-chairs of the Loop 1/Highway 290 Task Force and we have been gathering extensive information on the water quality issues surrounding all highway construction in the aquifer area.

Travis County has completed a road project which included an EPA funded vegetation experiment to test the best method for cleaning road area runoff.

These are only a few occurrences whose information may be of importance in the decision on the salamander. I hope that the comment period can be re-opened to gather all the relevant information.

I deeply believe that this community wants to do its part in understanding and protecting the clear, clean water of the Barton Springs segment of the Edwards Aquifer.

Sincerely,
Valarie Scott Bristol,
Travis County Commissioner, Precinct Three.

The Texas Natural Resource Conservation Commission has also requested that the comment period be reopened, citing its regulatory initiatives described above. This letter is also printed in its entirety here for the information of potential commenters.

Texas Natural Resource Conservation
Commission
June 3, 1996.

The Honorable Bruce Babbitt,
Secretary of the Interior, 1849 C Street N.W.,
Main Interior Building, Room 6151,
Washington, D.C. 20240

Re: Proposed Listing of Barton Springs
Salamander

Dear Secretary Babbitt: The purpose of this letter is to request that you reopen the comment period concerning the proposed listing of the Barton Springs Salamander. If the comment period is reopened, the State of Texas will submit to the Fish and Wildlife Service additional information regarding state and local efforts to protect this species and its habitat. TNRCC staff believes there is a substantial amount of information which has not been considered, much of which was not even available during the original comment period.

There are numerous examples of state and local regulations designed to protect water quality. Some of these were in place at the time of the original listing proposal and some have been created or modified subsequent to the proposal and some even subsequent to closing of the comment period. For example, TNRCC has published proposed rules governing water quality protection zones and will soon be publishing proposed revisions to the 'Edwards Aquifer Rules'. Both of these rule packages are scheduled to be considered by the Commission early this fall. Other examples include highway construction techniques and water quality monitoring resulting from legislation enacted last year. We do not believe these have been properly or adequately taken into account as required by the Act, particularly in light of the magnitude of the decision on the proposed listing.

Thank you for your consideration of this request.

Very truly yours,
Barry R. McBee,
Chairman.

The Service is thus reopening the comment period to allow commenters to provide any additional information or comments they have on the proposed listing. Although every effort will be made to consider comments received up to July 24, 1996, the Fish and Wildlife Service may be required to close the comment period in advance of July 24,

1996 in order to comply with any orders of the court in *Save Our Springs Legal Defense Fund v. Babbitt*, Civil No. MO-95-CA-230 (W.D. Tex.), ongoing litigation involving this rulemaking. Comments submitted during previous comment periods will be considered and need not be resubmitted.

Author

The primary author of this notice is Steven Helfert (see ADDRESSES section).

Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*).

Dated: June 17, 1996.

John G. Rogers,
Acting Director, Fish and Wildlife Service.
[FR Doc. 96-15899 Filed 6-21-96; 8:45 am]
BILLING CODE 4310-55-P

50 CFR Part 32

RIN 1018-AD76

1996-97 Refuge-Specific Hunting and Fishing Regulations

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The Fish and Wildlife Service (Service) proposes to amend certain regulations that pertain to migratory game bird hunting, upland game hunting, big game hunting and sport fishing on individual national wildlife refuges for the 1996-97 seasons. Refuge hunting and fishing programs are reviewed annually to determine whether the individual refuge regulations governing these programs should be modified, deleted or have additions made to them. Changing environmental conditions, State and Federal regulations, and other factors affecting wildlife populations and habitat may warrant modifications ensuring continued compatibility of hunting and fishing with the purposes for which individual refuges were established.

DATES: Comments on this proposed rule will be accepted on or before July 24, 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 above address; Telephone (703) 358-2397.

SUPPLEMENTARY INFORMATION: 50 CFR part 32 contains provisions governing hunting and fishing on national wildlife

refuges. Hunting and fishing are regulated on refuges to:

- Ensure compatibility with refuge purposes;
- Properly manage the fish and wildlife resource;
- Protect other refuge values; and
- Ensure refuge user safety.

On many refuges, the Service policy of adopting State hunting and fishing regulations is adequate in meeting these objectives. On other refuges, it is necessary to supplement State regulations with more restrictive Federal regulations to ensure that the Service meets its management responsibilities, as outlined under the section entitled "Statutory Authority." Refuge-specific hunting and fishing regulations may be issued only after a wildlife refuge is opened to migratory game bird hunting, upland game hunting, big game hunting or sport fishing through publication in the Federal Register. These regulations may list the wildlife species that may be hunted or are subject to sport fishing, seasons, bag limits, methods of hunting or fishing, descriptions of open areas, and other provisions as appropriate. Previously issued refuge-specific regulations for hunting and fishing are contained in 50 CFR part 32. Many of the amendments to these sections are being promulgated to standardize and clarify the existing language of these regulations.

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 budgets to operate the hunting and sport fishing programs as proposed.

Paperwork Reduction Act

This regulation has been examined under the Paperwork Reduction Act of 1995 and has been found to contain no information collection requirements.

Economic Effect

Service review has revealed that the rulemaking will increase hunter and fishermen visitation to the surrounding area of the refuges before, during or after the recreational uses, compared to the refuge being closed to these recreational uses.

These refuges are generally located away from large metropolitan areas. Businesses in the area of the refuges

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 areas. 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.

At these 40 National Wildlife Refuges in 24 states, 816,000 fishermen are expected to spend \$33.5 million annually in pursuit of their sport, while an estimated 203,000 hunters will spend \$6.7 million annually hunting on the refuges. While many of these fishermen and hunters already make such expenditures prior to the refuge opening, minor amounts of these additional expenditures are directly due

to the land now being open to the general public.

This rulemaking will have a small but positive impact on local economies and is not subject to Office of Management and Budget review under Executive Order 12866. In addition, a review under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 et seq.) has revealed that the rulemaking would increase visitation and expenditures in the surrounding area of the refuges. The rulemaking would not have a significant effect on a substantial number of small entities in the area, such as businesses, organizations and governmental jurisdictions.

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.

Environmental Considerations

Compliance with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4332(C)) is ensured when hunting and sport fishing plans are developed, and the determinations required by this act are made prior to the addition of refuges to the lists of areas open to hunting and fishing in 50 CFR part 32. The changes in hunting and fishing herein proposed were reviewed with regard to Section 7 of the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) and found to either have no effect on or are not likely to adversely affect listed species or critical habitat. The amendment of refuge-specific hunting and fishing regulations are subject to a categorical exclusion from the NEPA process if they do not significantly alter the existing use of a particular national wildlife refuge. The Service exclusion found at 516 DM 6, App.1.4 B(5) is employed here as these amendments are considered “[m]inor changes in the amounts or types of public use on FWS or State-managed lands, in accordance with regulations, management plans, and procedures.” These refuge-specific hunting and fishing revisions to existing regulations simply qualify or otherwise define an existing hunting or fishing activity, for purposes of resource management. These documents are on file in the offices of the Service and may be viewed by contacting the primary author noted below. Information regarding hunting and fishing permits and the conditions that apply to individual refuge hunts, sport fishing activities, and maps of the respective

areas are retained at refuge headquarters and can be obtained from the regional offices of the U.S. Fish and Wildlife Service at the addresses listed below:

Region 1—California, Hawaii, Idaho, Nevada, Oregon, and Washington. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Eastside Federal Complex, Suite 1692, 911 N.E. 11th Avenue, Portland, Oregon 97232–4181; Telephone (503) 231–6214.

Region 2—Arizona, New Mexico, Oklahoma and Texas. Assistant Regional Director—Refuges and Wildlife U.S. Fish and Wildlife Service, Box 1306, Albuquerque, New Mexico 87103; Telephone (505) 766–1829.

Region 3—Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, Ohio and Wisconsin. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Federal Building, Fort Snelling, Twin Cities, Minnesota 55111; Telephone (612) 725–3507.

Region 4—Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, Tennessee, South Carolina, Puerto Rico and the Virgin Islands. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Room 324, Atlanta, Georgia 30345; Telephone (404) 679–7152.

Region 5—Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 300 Westgate Center Drive, Hadley, Massachusetts 01035; Telephone (413) 253–8550.

Region 6—Colorado, Kansas, Montana, Nebraska, North Dakota, South Dakota, Utah and Wyoming. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, Box 25486, Denver Federal Center, Denver, Colorado 80225; Telephone (303) 236–8145.

Region 7—Alaska. Assistant Regional Director—Refuges and Wildlife, U.S. Fish and Wildlife Service, 1011 E. Tudor Rd., Anchorage, Alaska 99503; Telephone (907) 786–3545.

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 listings “Windom Wetland Management District” to the State of Minnesota; “William L. Finley National Wildlife Refuge” to the State of Oregon; and “Upper Mississippi River National Wildlife and Fish Refuge” to the State of Wisconsin; and revising the existing name of “Patuxent Wildlife Research Center” to read “Patuxent Research Refuge” in the State of Maryland.

3. Section 32.23 *Arkansas* is amended by adding paragraph D.3. to Cashe River National Wildlife Refuge to read as follows:

§ 32.23 Arkansas.

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Cashe River National Wildlife Refuge.

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D. Sport Fishing. * * *

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3. Fishing and frogging is permitted in accordance with refuge regulations and applicable state fishing and frogging regulations.

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4. Section 32.24 *California* is amended by revising paragraph A.7., of Lower Klamath National Wildlife Refuge; and by revising paragraph A.2., of Salton Sea National Wildlife Refuge to read as follows:

§ 32.24 California.

* * * * *

Lower Klamath National Wildlife Refuge.

A. *Hunting of Migratory Game Birds.* * * *

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7. Only nonmotorized boats and boats with electric motors are permitted on units 4b and 4c from the start of hunting season through November 30. Motorized boats are permitted on units 4b and 4c from December 1 through the end of hunting season.

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Salton Sea National Wildlife Refuge.

A. *Hunting of Migratory Game Birds.* * * *

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2. Hunters must hunt from assigned blinds on the Union Tract and within 100 feet (.914 meters) of blind sites on the Hazard

Tract, except when shooting to retrieve crippled birds.

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5. Section 32.32 *Illinois* is amended by removing paragraph A.4., and revising paragraphs D.2. and D.5 of Chautauqua National Wildlife Refuge; by revising paragraphs C.1. and D.1. of Crab Orchard National Wildlife Refuge; by revising Mark Twain National Wildlife Refuge; by revising paragraphs D.1., D.2., D.3., adding paragraph D.4. of Meredosia National Wildlife Refuge; and revising paragraph A.1., adding paragraph A.3., revising paragraphs B.1., B.2. and B.3.; revising paragraphs C.1., C.2., and C.3. of Upper Mississippi River Wildlife and Fish Refuge to read as follows:

§ 32.32 Illinois.

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Chautauqua National Wildlife Refuge.

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D. Sport Fishing. * * *

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2. Anglers must not use more than two poles and each pole must not have more than two hooks or lures attached while fishing in the Kikunessa Pool of Chautauqua National Wildlife Refuge.

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5. Weis Lake on the Cameron-Billsbach Unit of Chautauqua National Wildlife Refuge is closed to all public entry from October 16 through January 14, to provide sanctuary for migratory birds.

Crab Orchard National Wildlife Refuge.

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C. Big Game Hunting. * * *

1. A special permit issued by the Illinois Department of Natural Resources is required.

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D. Sport Fishing. * * *

1. Fishing from boat is permitted all year west of Wolf Creek Road. East of Wolf Creek Road fishing from boats is permitted from March 15 through September 30. Fishing from the bank east of Wolf Creek Road is permitted all year, but only at the Wolf Creek and Route 148 causeways. Trotlines and jugs west of Wolf Creek Road must be removed from sunrise to sunset from Memorial Day through Labor Day. Trotlines and jugs on the entire lake must be removed on the last day they are used. They must be anchored only with portable weights which are removed along with the trotlines and jugs. It is illegal to use stakes or to employ any floatation device which has previously contained any petroleum based materials or toxic substances. All noncommercial fishing methods are permitted except those requiring underwater breathing apparatus.

* * * * *

Mark Twain 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 of upland game is permitted on designated areas of the refuge subject to posted regulations.

1. Only nontoxic shot may be used or possessed while hunting all permitted birds, except wild turkeys. The possession and use of lead shot is still permitted for wild turkey hunting.

C. Big Game Hunting. Hunting of white-tailed deer 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.

Meredosia National Wildlife Refuge

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D. Sport Fishing. * * *

1. Sport fishing is allowed on all refuge waters during daylight hours from January 15 through October 15.

2. From October 16 through January 14, fishing is permitted south of Carver Lake by foot access only.

3. Private boats may not be left in refuge waters overnight.

4. Motorboats are restricted to "slow speed/minimum wake."

Upper Mississippi River National Wildlife and Fish Refuge

A. Hunting of Migratory Game Birds. * * *

1. Hunting of all migratory birds is prohibited on refuge closed areas posted "Area Closed", on the Goose Island "No Hunting" zone in Pool 8, and on the Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

* * * * *

3. Hunters may only use and possess nontoxic shot when hunting for any permitted migratory bird.

B. Upland Game Hunting. * * *

1. Hunting or possession of firearms are prohibited between March 15 and the opening of the State fall hunting seasons except that hunting of wild turkey is permitted during the State spring turkey season.

2. Hunting is permitted on refuge areas posted "Area Closed" beginning the day after the close of the applicable State duck hunting season until season closure or March 15, whichever occurs first, except that hunting of wild turkey is permitted during the State spring wild turkey season.

3. Hunting is prohibited at all times on the Goose Island "No Hunting" zone in Pool 8, and Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

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C. Big Game Hunting. * * *

1. Hunting is permitted until season closure or March 15, whichever date occurs first.

2. Hunting is permitted on refuge areas posted "Area Closed" beginning the day after the close of the applicable State duck hunting season until season closure or March 15, whichever date occurs first.

3. Hunting is prohibited at all times on the Goose Island "No Hunting" zone in Pool 8 and Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

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6. Section 32.34 *Iowa* is amended by removing paragraph C.2., and redesignating paragraphs C.3. and C.4. as paragraphs C.2. and C.3. of Desoto National Wildlife Refuge; and by removing paragraphs C.6. and C.7. of Driftless Area National Wildlife Refuge; and revising the introductory text of paragraph B. and paragraph B.2. of Walnut Creek National Wildlife Refuge to read as follows:

§ 32.34 Iowa.

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DeSoto National Wildlife Refuge

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C. Big Game Hunting. * * *

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2. The construction or use of permanent blinds, platforms or ladders is not permitted.

3. All stands must be removed from the refuge by the close of the season.

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Walnut Creek National Wildlife Refuge

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B. Upland Game Hunting. Hunting of ringnecked pheasants, bobwhite quail, cottontail rabbits, and squirrels is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

2. Hunting is permitted from opening of state season and will close at the dates posted by the refuge manager.

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7. Section 32.36 *Kentucky* is amended by revising paragraphs A., B. and C., of Ohio River Islands National Wildlife Refuge to read as follows:

§ 32.36 Kentucky.

* * * * *

Ohio River Islands National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Migratory game bird hunting is permitted on designated areas of the refuge subject to the following conditions:

1. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

B. Upland Game Hunting. The hunting of rabbit and squirrel is permitted on designated areas of the refuge subject to the following conditions:

1. The use of dogs for pursuit while rabbit hunting is prohibited.

2. The taking of squirrel and rabbit is restricted to shotgun only.

3. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

4. Hunters will possess and use, while in the field, only nontoxic shot.

C. Big Game Hunting. The hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Only archery hunting is permitted.
2. Organized deer drives by two or more hunters are prohibited. A drive is hereby defined as the act of chasing, pursuing, disturbing or otherwise directing deer so as to make the animals more susceptible to harvest.

3. Baiting for deer on refuge lands is prohibited.

4. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Regulations Leaflet while participating in a refuge hunt.

* * * * *
8. Section 32.37 *Louisiana* is amended by revising paragraph C.1., of D'Arbonne National Wildlife Refuge; by revising paragraph A. of Lake Ophelia National Wildlife Refuge; and revising paragraph C.1. of Upper Ouachita National Wildlife Refuge to read as follows:

§ 32.37 Louisiana.

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D'Arbonne National Wildlife Refuge

* * * * *

C. Big Game Hunting. * * *

1. Either-sex deer hunting with firearms is permitted during the second and third either-sex firearms seasons for Union Parish.

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Lake Ophelia National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of ducks and coots is permitted on designated areas of the refuge subject to the following condition:

1. Daily permits are required.

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Upper Ouachita National Wildlife Refuge

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C. Big Game Hunting. * * *

1. Either-sex deer hunting with firearms is permitted during the second and third either-sex firearms seasons for Union Parish.

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9. Section 32.38 *Maine* is amended by revising paragraphs A., B. and C., of Rachel Carson National Wildlife Refuge to read as follows:

§ 32.38 Maine.

* * * * *

Rachel Carson National Wildlife Refuge

A. *Hunting of Migratory Game Birds.* Hunting of ducks, geese, coots, woodcock and snipe is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Personal property must be removed from the refuge after each day's hunt.

B. *Upland Game Hunting.* Hunting of upland game birds, gray squirrel, cottontail rabbit, snowshoe hare, fox and coyote is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Fox and coyote may be hunted only during the State firearm deer season.

3. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

4. Hunters will possess and use, while in the field, only nontoxic shot.

C. *Big Game Hunting.* Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits are required.

2. Hunters during firearms big game season must wear in a conspicuous manner on head, chest and back a minimum of 400 square inches (10.16 square meters) of solid-colored hunter orange clothing or material.

* * * * *

10. Section 32.39 *Maryland* is amended by revising the refuge heading, the introductory text of paragraphs A., B. and C.; and revising paragraph D., of Patuxent Research Refuge, to read as follows:

§ 32.39 Maryland.

* * * * *

Patuxent Research Refuge

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

* * * * *

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

* * * * *

C. *Big Game Hunting.* Hunting of deer is permitted on designated areas of the refuge subject to the following conditions:

* * * * *

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

1. Open fishing areas are delineated on a map available at the refuge.

2. Fresh water fishing and boating laws of the State of Maryland apply to include opening/closing of seasons and creel limits.

3. Hook and line tackle and baits permitted by Maryland law, except no live minnows or other fish may be used for bait.

4. Special provisions: Cash Lake, a 54 acre lake located on the South Tract requires a federal permit to fish, and a limit of 25 daily permits will be issued. Persons may request a permit application by contacting: National Wildlife Visitor Center, Laurel, Maryland, during normal working hours. Each request must include the person's name, address, and phone number, and the model, year and license number of the vehicle that will drive to the refuge. Requests may be made 1 week prior to the requested fishing date. Each permit shall authorize the permit holder to be accompanied by one licensed angler or up to two children under the age of 16. Open season is June 15 through October 15: 6 a.m. to legal sunset daily. Species permitted to be taken: Bass, pickerel, catfish, and sunfish. Daily creel limits: bass, catch and release only; pickerel, catch and release only except keeping of one pickerel greater than 15

inches in length is permitted; sunfish and catfish, 15 per day total fish limit. Boats may be used by permittees subject to the following conditions: no gasoline motors permitted; boats may not be trailered to the water; boats other than canoes may not exceed 14 feet; sailboats and kayaks are not permitted.

11. Section 32.40 *Massachusetts* is amended by revising paragraph C., of Parker River National Wildlife Refuge to read as follows:

§ 32.40 Massachusetts.

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Parker River National Wildlife Refuge

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C. *Big Game Hunting.* Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. A refuge permit is required.

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12. Section 32.42 *Minnesota* is amended by revising introductory text of paragraph B., of Rice Lake National Wildlife Refuge; by adding in alphabetical order Windom Wetland Management District to read as follows:

§ 32.42 Minnesota.

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Rice Lake National Wildlife Refuge

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B. *Upland Game Hunting.* Hunting of ruffed grouse, spruce grouse, grey and fox squirrels, cottontail rabbit and snowshoe hare is permitted on designated areas of the refuge.

* * * * *

Windom Wetland Management District

A. *Hunting of Migratory Game Birds.* Hunting of migratory game birds is permitted throughout the district except that no hunting is permitted on the Worthington Waterfowl Production Area in Nobles County.

B. *Upland Game Hunting.* Upland game hunting is permitted throughout the district except that no hunting is permitted on the Worthington Waterfowl Production Area in Nobles County.

C. *Big Game Hunting.* Big game hunting is permitted throughout the district except that no hunting is permitted on the Worthington Waterfowl Production Area in Nobles County.

D. *Sport Fishing.* Fishing is permitted throughout the district.

13. Section 32.43 *Mississippi* is amended by revising paragraph D., of Dahomey National Wildlife Refuge to read as follows:

§ 32.43 Mississippi.

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Dahomey National Wildlife Refuge

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

1. Permits are required.

14. Section 32.44 *Missouri* is amended by revising paragraphs B., C. and D., of Mingo National Wildlife Refuge to read as follows:

§ 32.44 Missouri.

Mingo National Wildlife Refuge

B. Upland Game Hunting. Upland game hunting 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.

15. Section 32.47 *Nevada* is amended by revising paragraph B., of Ash Meadows National Wildlife Refuge; and by revising paragraphs D.2, D.4., D.5., and D.8. of Ruby Lake National Wildlife Refuge to read as follows:

§ 32.47 Nevada

Ash Meadows National Wildlife Refuge

B. Upland Game Hunting. Hunting of quail, cottontail rabbits, and jackrabbits is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of cottontail rabbits and jackrabbits is permitted only during the State quail hunting season.
2. Only shotguns are permitted.

Ruby Lake National Wildlife Refuge

D. Sport Fishing. * * *

2. Only dike fishing is permitted in the areas north of the Brown Dike and east of the Collection Ditch with the exception that fishing by wading and from personal flotation devices (float tubes) is permitted in Unit 21.

4. Annually, beginning June 15 and continuing until December 31, motorless boats and boats with battery powered electric motors are permitted only on the South Marsh.

5. Annually, beginning August 1 and continuing until December 31, boats propelled with a motor or combination of motors in aggregate not to exceed 10 horsepower rating are permitted on the South Marsh.

8. Bank fishing in the South Marsh is only permitted at Brown Dike, the Main Boat Landing, and Narciss Boat Landing.

16. Section 32.50 *New Mexico* is amended by revising paragraphs A.1. and D., of Bitter Lake National Wildlife Refuge to read as follows:

§ 32.50 New Mexico.

Bitter Lake National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

1. Hunting is permitted only on Tuesdays, Thursdays, and Saturdays of each week until 1 p.m.

D. Sport Fishing. [Reserved]

17. Section 32.52 *North Carolina* is amended by revising paragraphs C. and D.3., of Mattamuskeet National Wildlife Refuge; and revising Pee Dee National Wildlife Refuge to read as follows:

§ 32.52 North Carolina.

Mattamuskeet National Wildlife Refuge

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

D. Sport Fishing. * * *

3. Herring (alewife) dipping is not permitted.

Pee Dee National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Hunting of mourning doves is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

B. Upland Game Hunting. Hunting of quail, squirrel, rabbit, raccoon and opossum is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following condition:

1. Permits are required and special quota permits are required for gun deer hunts.

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

1. Fishing with a pole and line or rod and reel is permitted from March 15 to October 15 during daylight hours only.

2. Boats may be used in Andrews Pond, Beaver Ponds, and Arrowhead Lake only.

3. Only electric motors are permitted in refuge waters.

4. The possession and/or use of trotlines, set hooks, gigs, yo-yo's, jug-lines, limblines, nets, seines, fish traps, and other similar equipment is prohibited on the refuge.

5. The possession and/or use of minnows as bait is prohibited on the refuge.

6. Frogging and turtling is prohibited.

7. Certain fishing areas may be closed at anytime for management purposes.

18. Section 32.55 *Oklahoma* is amended by revising paragraphs A., B. and C., of Deep Fork National Wildlife Refuge; and by revising paragraphs A., B.1., B.2., C. and D.1.; adding paragraphs B.3, B.4., B.5., and D.4., of Sequoyah National Wildlife Refuge to read as follows:

§ 32.55 Oklahoma.

Deep Fork National Wildlife Refuge

A. Hunting of Migratory Game Birds. [Reserved]

B. Upland Game Hunting. Hunting of squirrel is permitted on portions of the refuge in accordance with State hunting regulations subject to the following exceptions and conditions:

1. Refuge squirrel season will be closed from October 1 through the end of rifle deer season.

2. Shotguns only with steel shot may be used.

3. Dogs may be used for squirrel hunting, but must remain under control of the hunter at all times.

4. Hunting maps and/or posted signs will be used to delineate open and closed areas.

5. Off-road vehicles are prohibited.

C. Big Game Hunting. White-tailed deer hunting is permitted on designated portions of Deep Fork NWR subject to the following conditions:

1. Permits and payment of fees are required.

2. Off-road vehicle use is prohibited.

3. Each hunter entering the refuge must possess a refuge permit.

Sequoyah National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Hunting of waterfowl, dove, coots, rail, snipe and woodcock is permitted on designated areas of the refuge subject to the following conditions:

1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge leaflets, special regulations, permits, and maps.

2. All hunters shall possess and use, while in the field, only nontoxic shot.

3. Pits and permanent blinds are not permitted.

4. Neither hunters nor dogs may enter closed areas to retrieve game.

5. Hunting is not allowed within 50 ft. (15.24 meters) of designated roads or parking areas.

6. Only shotguns and bows and arrows (excluding broadhead arrows) are permitted.

7. Decoys, boats and other personal property must be removed from the refuge following each days hunt.

B. Upland Game Hunting. * * *

1. The Sequoyah National Wildlife Refuge is open during seasons, dates, and times as posted by signs and/or indicated on refuge

leaflets, special regulations, permits, and maps.

2. All hunters shall possess and use, while in the field, only nontoxic shot.

3. Neither hunters nor dogs may enter closed areas to retrieve game.

4. Hunting is not allowed within 50 ft. (15.24 meters) of designated roads or parking areas.

5. Only shotguns and bows and arrows (excluding broadhead arrows) are permitted.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Permits and payment of a fee are required

2. All hunters must attend a hunter orientation briefing prior to each hunt.

D. Sport Fishing. * * *

1. The Sequoyah National Wildlife Refuge is open to fishing as specified on refuge leaflets, special regulations, permits, maps, or as posted on signs.

* * * * *

4. The taking of turtles and mussels is not permitted.

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19. Section 32.56 *Oregon* is amended by revising paragraph B.3, of Cold Springs National Wildlife Refuge; by revising paragraph B.3. of McKay Creek National Wildlife Refuge, and by revising paragraph B.3. of Umatilla National Wildlife Refuge to read as follows:

§ 32.56 Oregon.

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Cold Springs National Wildlife Refuge

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B. Upland Game Hunting. * * *

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3. Hunters shall possess and use, while in the field, only nontoxic shot.

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McKay Creek National Wildlife Refuge

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B. Upland Game Hunting. * * *

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3. Hunters shall possess and use, while in the field, only nontoxic shot.

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Umatilla National Wildlife Refuge

A. Hunting of Migratory Game Birds. * * *

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B. Upland Game Hunting. * * *

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3. Hunters shall possess and use, while in the field, only nontoxic shot.

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20. Section 32.57 *Pennsylvania* is amended by revising paragraphs A., B. and C., of Ohio River Islands National Wildlife Refuge to read as follows:

§ 32.57 Pennsylvania.

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Ohio River Islands National Wildlife Refuge

A. Hunting of Migratory Game Birds.

Migratory game bird hunting is permitted on designated areas of the refuge subject to the following conditions:

1. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

B. Upland Game Hunting. The hunting of rabbit and squirrel is permitted on designated areas of the refuge subject to the following conditions:

1. The use of dogs for pursuit while rabbit hunting is prohibited.

2. The taking of squirrel and rabbit is restricted to shotgun only.

3. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Hunting Regulations Leaflet while participating in a refuge hunt.

4. Hunters will possess and use, while in the field, only nontoxic shot.

C. Big Game Hunting. The hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Only archery hunting is permitted.

2. Organized deer drives by two or more hunters are prohibited. A drive is hereby defined as the act of chasing, pursuing, disturbing or otherwise directing deer so as to make the animals more susceptible to harvest.

3. Baiting for deer on refuge lands is prohibited.

4. Each hunter must have in his possession a current copy of the Ohio River Islands National Wildlife Refuge Regulations Leaflet while participating in a refuge hunt.

* * * * *

21. Section 32.64 *Utah* is amended by revising paragraphs A., B. and D. of Bear River Migratory Bird Refuge to read as follows:

§ 32.64 Utah.

* * * * *

Bear River Migratory Bird Refuge

A. Hunting of Migratory Game Birds.

Hunting of geese, ducks, coots, and tundra swan is permitted on designated areas of the refuge subject to the following conditions:

1. No hunting or shooting is permitted within 100 yards (30.48 meters) of principal refuge roads (the tour route).

2. All firearms must be completely unloaded (including the magazine) and cased or dismantled when hunters are in a vehicle or while on principle refuge roads (the tour route) and parking sites.

3. While in the field, hunters shall possess and use only nontoxic shot.

4. Use of pits or permanent blinds is not permitted.

5. Airboats are permitted only in Unit 9 and in Block C of the Refuge.

6. The Refuge, including parking sites, is closed ninety (90) minutes after sunset (end of shooting hours). Decoys, boats, vehicles and other personal property may not be left on the refuge overnight.

7. Parking is permitted in designated parking sites only.

8. Hunters who take or attempt to take tundra swans must possess a Utah State Swan Permit and may not possess or use more than 10 shells per day while hunting swans.

9. Any person entering, using or occupying the refuge for waterfowl hunting must abide by all the terms and conditions in the Refuge hunting brochure.

B. Upland Game Hunting. Hunting of pheasants is permitted on designated areas of the refuge subject to the following conditions:

1. While in the field, hunters shall possess and use only nontoxic shot.

C. Big Game Hunting. * * *

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

1. Fishing is permitted year-round in designated areas of the Refuge.

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22. Section 32.65 *Vermont* is amended by revising introductory text of paragraph B., and revising paragraph B.2. of Missisquoi National Wildlife Refuge to read as follows:

§ 32.65 Vermont.

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Missisquoi National Wildlife Refuge

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B. Upland Game Hunting. Hunting of rabbits, ruffed grouse and squirrels is permitted on designated areas of the refuge subject to the following conditions:

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2. The use of rifles is not permitted on that portion of the refuge lying east of the *Missisquoi River*.

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23. Section 32.66 *Virginia* is amended by revising paragraph C., of Chincoteague National Wildlife Refuge to read as follows:

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§ 32.66 Virginia.

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Chincoteague National Wildlife Refuge

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C. Big Game Hunting. Hunting of white-tailed deer and sika is permitted in designated areas of the refuge subject to the following conditions:

1. A refuge permit is required.

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24. Section 32.67 *Washington* is amended by revising paragraph A., of Ridgefield National Wildlife Refuge; and by revising paragraph B.2., of Toppenish National Wildlife Refuge to read as follows:

§ 32.67 Washington.

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Ridgefield National Wildlife Refuge

A. Hunting of Migratory Game Birds. Hunting of geese, ducks, and coots is

permitted on designated areas of the refuge subject to the following condition: Hunting is by permit only.

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Toppenish National Wildlife Refuge

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B. Upland Game Hunting. * * *

* * * * *

2. Hunters shall possess and use, while in the field, only nontoxic shot.

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25. Section 32.69 *Wisconsin* is amended by revising paragraphs B.1., B.2., C.4. and D., of Necedah National Wildlife Refuge; and adding Upper Mississippi River National Wildlife and Fish Refuge alphabetically to read as follows:

§ 32.69 Wisconsin.

* * * * *

Necedah National Wildlife Refuge

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B. Upland Game Hunting. * * *

1. During State waterfowl hunting season, guns must be unloaded or cased in the retrieval zone of Refuge Area 7.

2. During the spring turkey hunting season only, persons having an unexpired State spring turkey permit in possession may enter and hunt wild turkeys in all open refuge areas.

* * * * *

C. Big Game Hunting. * * *

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4. Refuge Areas 1,2,4,5,6 and 7 are open to deer hunting.

* * * * *

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

1. Non-motorized boats are permitted in Sprague-Goose Pools only when these pools are open to fishing. Motorized boats are permitted in Suk Cerney Pool.

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Upper Mississippi River National Wildlife and Fish Refuge

A. Hunting of Migratory Game Birds.

Hunting of migratory game birds is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting of all migratory birds is prohibited on refuge closed areas posted "Area Closed", on the Goose Island "No Hunting" zone in Pool 8, and on the Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

2. Permits are required for Potters Marsh in Pool 13 except during the early teal season.

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

1. Hunting or possession of firearms are prohibited between March 15 and the opening of the State fall hunting seasons except that hunting of wild turkey is permitted during the State spring turkey season.

2. Hunting is permitted on refuge areas posted "Area Closed" beginning the day after the close of the applicable State duck hunting season until season closure or March 15, whichever occurs first, except that hunting of wild turkey is permitted during the State spring wild turkey season.

3. Hunting is prohibited at all times on the Goose Island "No Hunting" zone in Pool 8, and Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

C. Big Game Hunting. Hunting of white-tailed deer is permitted on designated areas of the refuge subject to the following conditions:

1. Hunting is permitted until season closure or March 15, whichever date occurs first.

2. Hunting is permitted on refuge areas posted "Area Closed" beginning the day after the close of the applicable State duck hunting season until season closure or March 15, whichever date occurs first.

3. Hunting is prohibited at all times on the Goose Island "No Hunting" zone in Pool 8 and Upper Halfway Creek Marsh "No Hunting" zone in Pool 7.

4. Construction or use of permanent blinds, platforms or ladders is not permitted.

5. All stands must be removed from the refuge at the end of each day's hunt.

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

1. Fishing on the Spring Lake Closed Area, Carroll County, Illinois, is not permitted from October 1 through the last day of the Illinois waterfowl season.

2. Only hand powered boats or boats with electric motors are permitted on Mertes' Slough in Buffalo County, Wisconsin.

26. Section 32.71 *Pacific Islands Territory* is amended by revising paragraphs D.1., D.3., D.4., removing paragraph D.5., and redesignating paragraph D.6 as paragraph D.5. of Johnson Atoll National Wildlife Refuge to read as follows:

§ 32.71 Pacific Islands Territory.

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Johnson Atoll National Wildlife Refuge

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D. Sport Fishing. * * *

1. Lobsters of 3 1/4 inch carapace length or more may be taken from the lagoon area from September 1 through May 31, but not by spearing, traps, or the use of pry bars or related methods destructive to coral; no female lobsters bearing eggs may be taken at any time.

* * * * *

3. Taking of fish by the use of spear "guns" is prohibited. Hand-propelled spears or "Hawaiian Slings" consisting of a single shaft propelled by a rubber tube are permitted for underwater taking of fish. Above water use of spears is prohibited.

4. The collecting or taking of all forms of live or dead coral is prohibited; the export of coral by any means is prohibited.

* * * * *

Dated: June 3, 1996.

George T. Frampton, Jr.,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 96-15138 Filed 6-21-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 641

[Docket No. 960613174-6174-01; I.D. 050996C]

RIN 0648-AI71

Reef Fish Fishery of the Gulf of Mexico; Amendment 13

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule to implement Amendment 13 to this Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP). Amendment 13 would extend the red snapper vessel permit endorsement and trip limit system until implementation of: The individual transferable quota (ITQ) system approved under Amendment 8 to the FMP, or an alternate program to restrict access to the commercial red snapper fishery, such as a limited license system. If neither option is possible, the trip limit and endorsement provisions would terminate on December 31, 1997. The intent effects of this rule are to stabilize the fishery and to provide for controlled harvest until a more comprehensive controlled access plan can be implemented.

ADDRESSES: Comments on the proposed rule must be sent to Robert Sadler, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of Amendment 13, which includes an environmental assessment and a regulatory impact review (RIR), should be sent to the Gulf of Mexico Fishery Management Council (Council), 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609. Related RIRs for Amendments 6 and 9 may also be obtained from the Council.

DATES: Written comments must be received on or before August 8, 1996.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 813-570-5305.