

1. Cushnoc Room, Augusta Civic Center, Community Drive, Augusta, Maine.

2. Ellsworth Middle School, 20 Forrest Avenue, Ellsworth, Maine.

3. Science 102, University of Maine—Machias, 9 O'Brien Avenue, Machias, Maine.

FOR FURTHER INFORMATION CONTACT: Paul Nickerson at (413) 253-8615 or Mary Colligan at (508) 281-9116.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(5)(E) of the Endangered Species Act requires that a public hearing be held on proposed regulations if requested within 45 days of the proposal's publication in the Federal Register. On September 29, 1995 (60 FR 50530), the Services published a proposed rule to list the DPS of Atlantic salmon as threatened. Public hearing requests were received during the allotted time period. The public comment period for this proposed action officially closed on December 28, 1995. Due to federal furloughs and legislative and funding restrictions imposed, the Departments of Commerce and Interior were not able to hold the requested public hearings during the original comment period.

On April 26, 1996, the President waived the moratorium on ESA listing actions, as authorized by the FY 96 Omnibus Appropriations Act for both the Departments of Commerce and Interior. The Services may now proceed with previously pending listing actions. Consequently we are now reopening the comment period on this proposed rule and announcing public hearings. The proposed rule published in September, included a special 4(d) provision that allowed the state of Maine the opportunity to develop a conservation plan for the species. Following publication of the proposed rule the Governor of Maine issued an Executive Order creating a task force to draft the conservation plan. That task force has been actively working on the plan since October, 1995. Separate hearings will be held by state officials on the conservation plan in early September.

During this comment period the Services desire any scientific and commercial data that may have become available since closure of the previous comment period on December 28, 1995. The Services final determination whether to list the DPS of Atlantic salmon will consider all comments received during this and earlier comment periods and may result in final regulations that differ from the proposal of September 29, 1995.

In response to the request for public hearings, the Services have scheduled three combined public meetings and hearings. The meetings will run from 7:00 p.m. to 8:15 p.m. and will be followed by a 15 minute intermission. During the public meeting, the Services will make a brief presentation and will informally answer questions about the proposal; state officials will also make a brief presentation on the status of the conversation plan and informally answer questions about the plan. The meeting will not be recorded and will not be part of the formal record.

The public hearings, which will begin at 8:30 p.m., will provide an opportunity for interested individuals to enter formal statements on the proposal, which will become part of the administrative record. Those parties wishing to make statements should present them to the Services at the start of the hearing. Oral statements must be limited to five minutes in length, however, there is no limit to the length of written comments or materials. Oral and written statements receive equal consideration during deliberations. Written comments may now be submitted through October 11, 1996 to either of the offices in the **ADDRESSES** section.

Author

The primary authors of this notice are Mary Colligan and Paul Nickerson (addresses are above).

Authority: The authority for this section is the ESA (16 U.S.C. 1531-1544).

Dated: August 14, 1996.

Ralph C. Pisapia,
Acting Regional Director, Region 5.

Dated: August 22, 1996.

Rennie S. Holt,
Acting Director, Office of Protected Resources.
[FR Doc. 96-21505 Filed 8-26-96; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 960129019-6019-01; I.D. 081696B]

Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Reallocation of Pacific Cod

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

ACTION: Reallocation; request for comments.

SUMMARY: NMFS proposes to reallocate the projected unused amount of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear in the Bering Sea and Aleutian Islands management area (BSAI) and is inviting comments. The proposed action is necessary to allow the 1996 total allowable catch (TAC) of Pacific cod to be harvested. It is intended to promote the goals and objectives of the North Pacific Fishery Management Council (Council).

DATES: Comments must be received at the following address no later than 4:30 p.m., Alaska local time, September 5, 1996.

ADDRESSES: Comments may be sent to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, or delivered to the Federal Building, 709 West 9th Street, Room 453, Juneau, AK Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Andrew N. Smoker, 907-586-7228.

SUPPLEMENTARY INFORMATION: The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at subpart H of 50 CFR part 600 and 50 CFR part 679.

The Director, Alaska Region, NMFS, has determined that vessels using trawl gear will not be able to harvest 15,000 metric tons (mt) of Pacific cod allocated to those vessels under § 679.20(a)(7)(i)(A).

As of July 27, 1996, NMFS estimates 47,540 mt remain in the trawl gear share of the 1996 Pacific cod TAC and projects that trawl gear will take 32,540 mt during the remainder of 1996.

Trawl fisheries that will take Pacific cod include the directed Pacific cod, yellowfin sole, pollock, and rockfish fishery. NMFS closed directed fishing for Pacific cod by vessels using trawl gear in the BSAI effective June 23, 1996, until October 25, 1996, to prevent exceeding the first seasonal bycatch allowance of Pacific halibut apportioned to the trawl Pacific cod fishery category in the BSAI. The directed fishery for Pacific cod with trawl gear will open October 25, 1996. One hundred eighty nine mt of prohibited species bycatch allowance of halibut mortality remain in

that allocation. Based on 1995 halibut bycatch rates for that fishery, 11,040 mt of Pacific cod is expected to be harvested in the directed fishery for Pacific cod with trawl gear. The trawl yellowfin sole, rockfish, and pollock directed fisheries will take Pacific cod as bycatch. Based on the remaining halibut mortality and the ratio of halibut mortality to Pacific cod caught in those directed fisheries after August 1, 1995, 21,495 mt of Pacific cod are estimated to be needed.

The directed fishery for Pacific cod by vessels using hook-and-line gear will reopen on September 1 when 360 mt of prohibited species bycatch allowance of halibut mortality become available for that fishery. Based on the ratio of Pacific cod caught to halibut mortality during the September and October hook-and-line fishery in 1995, NMFS estimates that hook-and-line gear will take 31,000 mt of Pacific cod. Pot gear is expected to take an additional 3,500 mt during September and October of 1996. The

combined hook-and-line/pot gear capacity after September 1, 1996 is 34,500 mt. Without the proposed reallocation of Pacific cod from trawl to hook-and-line and pot gear, 20,000 mt of Pacific cod is expected to be available for vessels fishing with those gears.

During 1995 NMFS did not reallocate unused amounts of Pacific cod from vessels using trawl gear to vessels using hook-and-line/pot gear until November when the trawl component of the fishery had completed its season and the trawl catch for 1995 was realized. As a consequence, a portion of the hook-and-line/pot fleet was unable to participate and the remainder was unable to sustain a continuous fishery and experienced unnecessary expenses associated with initiating the short-term fishery during November. In addition, the halibut mortality incurred per metric ton of Pacific cod caught during the last opening of the fishery in 1995 was higher, providing less desirable utilization of halibut mortality.

Therefore, in accordance with § 679.20(a)(7)(ii), NMFS proposes to apportion the projected unused amount, 15,000 mt of Pacific cod from vessels using trawl gear to vessels using hook-and-line or pot gear.

NMFS invites public comments and will consider those received during the comment period in determining whether to reallocate an unused amount of Pacific cod from trawl gear to hook-and-line or pot gear.

Classification

This action is taken under 50 CFR 679.20, and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: August 20, 1996.

Richard H. Schaefer,
Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 96-21709 Filed 8-21-96; 4:07 pm]

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