

Species		Historic range	Family	Status	When listed	Critical habitat	Special rules
Scientific name	Common name						
FLOWERING PLANTS							
*	*	*	*	*	*	*	*
<i>Lessingia germanorum</i> (= <i>Lessingia germanorum</i> var. <i>germanorum</i> ).	San Francisco lessingia.	U.S.A. (CA) .....	Asteraceae—Aster ..	E	620	NA	NA
*	*	*	*	*	*	*	*

Dated: April 8, 1997.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97-15925 Filed 6-18-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 216

[Docket No. 970326068-7132-02; I.D. 031197A]

RIN 0648-AJ86

#### Marine Mammals; Subsistence Taking of Northern Fur Seals; Harvest Estimates.

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

**ACTION:** Final rule.

**SUMMARY:** Pursuant to regulations governing northern fur seal subsistence taking on the Pribilof Islands, and following a 30-day public comment period on the proposed subsistence need estimates of the Pribilof Aleuts, NMFS is publishing this final rule establishing annual northern fur seal harvest range levels for 1997-1999.

**DATES:** Effective June 19, 1997 and applies to the harvest beginning June 23, 1997.

**ADDRESSES:** Hilda Diaz-Soltero, Acting Director, Office of Protected Resources (F/PR), 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Steve Zimmerman, (907) 586-7235, or Margot Bohan, (301) 713-2322.

#### SUPPLEMENTARY INFORMATION:

##### Background

The northern fur seal (*Callorhinus ursinus*) population is considered depleted under the Marine Mammal Protection Act (MMPA) (50 CFR 216.15(c)). The subsistence harvest of

northern fur seals on the Pribilof Islands, Alaska, is governed by regulations found in 50 CFR part 216 subpart F—Taking for Subsistence Purposes. These regulations were published under the authority of the Fur Seal Act, 15 U.S.C. 1151 *et seq.*, and the MMPA, 16 U.S.C. 1361 *et seq.* (see 51 FR 24828, July 9, 1986). The purpose of these regulations is to limit the take of fur seals to a level providing for the subsistence needs of the Pribilof Aleuts, while using humane harvesting methods and restricting taking by sex, age, and season for herd management purposes.

#### Subsistence Harvest Estimates for 1997 through 1999

NMFS published a notice and request for public comment (62 FR 17774, April 11, 1997) proposing a range of subsistence need estimates on the Pribilof Islands for 1997-99, based on the results of the 1994-96 harvests and responses from the tribal governments on St. Paul and St. George Islands. NMFS proposed that the harvest estimate for northern fur seals on St. Paul Island for each year, 1997-99, remain the same as that in 1994 through 1996 (1,645 to 2,000).

For St. George Island, NMFS proposed that the lower bound of the estimate of subsistence need for each year, 1997-99, increase from 281 to 300 seals and that the upper bound remain at 500 seals. NMFS based this change in the estimate on the continuing decline of the island's economy, which has resulted in an increased rate of unemployment and, thus, a greater reliance on subsistence harvesting of food resources to meet the natives' needs.

As no comments were received in response to the notice proposing the upcoming years' estimates of subsistence need, NMFS is publishing this final rule that establishes the annual harvest ranges for the years 1997-1999, as follows: St. Paul Island: 1,645-2,000; St. George Island: 300-500.

If the Aleut residents of St. Paul or St. George Island reach the lower limit of their range during the harvest, and still have unmet subsistence needs, they may

request an additional number of seals, up to the upper bound of their respective ranges. Conversely, the harvest can be terminated before the lower limit of the range is reached if it is determined that the subsistence needs of the Pribilof Aleuts have been met or the harvest has been conducted in a wasteful manner. The Aleut residents of St. Paul and St. George Islands may harvest up to the lower bound of the applicable range between June 23 and August 8 of each year, 1997-99. If, at any time during the harvest, the lower estimate of subsistence need for an island is reached, the harvest must be suspended for no longer than 48 hours, pursuant to 50 CFR 215.32(e)(1)(iii), pending a review of the harvest data to determine if the subsistence needs of the island residents have been met. At such time, the Pribilof Aleuts may submit information to NMFS indicating that subsistence needs (for either island) have not been met. If the Pribilof Aleuts substantiate an additional need for seals, and there has been no indication of waste, NMFS will provide a revised estimate of the number of seals required for subsistence purposes. If additional information is not submitted by the Pribilof Aleuts, NMFS will consider only the information in the record at the time of the suspension.

#### Classification

NMFS has determined that the approval and implementation of this document will not significantly affect the human environment and that preparation of an Environmental Impact Statement is not required by section 102(2) of the National Environmental Policy Act. This rule makes no changes to the regulations governing the taking of fur seals for subsistence purposes. Because this rule does not alter the conclusions of previous environmental impact analyses and environmental assessments (EA), it is categorically excluded by NOAA Administrative

Order 216-6 from the requirement to prepare an EA.

This final rule has been determined to be not significant for purposes of E.O. 12866.

The General Counsel, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule, if adopted, would not have a significant economic impact on a substantial number of small entities. The reasons were published with the proposed rule and harvest estimates (see 62 FR 17774, April 11, 1997). As no comments were received on the certification, the basis for it has not changed. Therefore, a regulatory flexibility analysis was not prepared.

Dated: June 12, 1997.

**David L. Evans,**

*Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 97-16008 Filed 6-18-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[Docket No. 961107312-7021-02; I.D. 061697A]

#### Fisheries of the Exclusive Economic Zone Off Alaska; Yellowfin Sole by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands

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

**ACTION:** Closure.

**SUMMARY:** NMFS is closing directed fishing for yellowfin sole by vessels using trawl gear in the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the third seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery category.

**EFFECTIVE DATE:** 1200 hrs, Alaska local time (A.l.t.), June 16, 1997, until 1200 hrs, A.l.t., August 15, 1997.

**FOR FURTHER INFORMATION CONTACT:** Mary Furuness, 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 North Pacific Fishery Management Council under authority of the Magnuson-Stevens 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 third seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery in the BSAI, which is defined at § 679.21(e)(3)(iv)(B)(1), was established by the Final 1997 Harvest Specifications of Groundfish for the BSAI (62 FR 7168, February 18, 1997) as 100 metric tons.

In accordance with § 679.21(e)(7)(iv), the Administrator, Alaska Region, NMFS (Regional Administrator), has determined that the third seasonal apportionment of the 1997 Pacific

halibut bycatch allowance specified for the trawl yellowfin sole fishery in the BSAI has been caught. Consequently, NMFS is prohibiting directed fishing for yellowfin sole by vessels using trawl gear in the BSAI.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 679.20(e) and (f).

This action responds to the best available information recently obtained from the fishery. It must be implemented immediately in order to prevent overharvesting the third seasonal apportionment of the 1997 Pacific halibut bycatch allowance specified for the trawl yellowfin sole fishery category. A delay in the effective date is impracticable and contrary to the public interest. The fleet has already taken the third seasonal apportionment of the 1997 Pacific halibut bycatch allowance. Further delay would only result in overharvest, which would disrupt the FMP's objective of apportioning Pacific halibut bycatch allowances throughout the year. NMFS finds for good cause that the implementation of this action cannot be delayed for 30 days. Accordingly, under 5 U.S.C. 553(d), a delay in the effective date is hereby waived.

#### Classification

This action is required by 50 CFR 679.21 and is exempt from review under E.O. 12866.

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

Dated: June 16, 1997.

**Gary C. Matlock,**

*Director, Office of Sustainable Fisheries,  
National Marine Fisheries Service.*

[FR Doc. 97-16102 Filed 6-16-97; 3:06 pm]

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