

hunters \$20, and migratory bird hunters \$33.

Applying these national averages to projected visitation at Emiquon NWR results in the following: 600 fishermen are expected to spend \$24,600 annually in pursuit of their sport, while an estimated 400 hunters will spend \$13,200 annually while 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, 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 making preliminary arrangements with the primary author.

Primary Author. Stephen R. Vehrs, Division of Refuges, U.S. Fish and Wildlife Service, Washington, DC, is the primary author of this proposed rulemaking document.

List of Subjects in 50 CFR Part 32

Fishing, Hunting, Reporting and recordkeeping requirements, Wildlife, and 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 "Emiquon National Wildlife Refuge" under the State of Illinois.

3. Section 32.32 *Illinois* is amended by adding in alphabetical order Emiquon National Wildlife Refuge to read as follows:

§ 32.32 Illinois.

* * * * *

Emiquon 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 conditions.

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

C. Big Game Hunting. Hunting of big game is permitted on designated areas of the refuge subject to posted conditions.

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

1. Sport fishing is allowed on all refuge waters during daylight hours from January 15, through October 15.
2. Private boats may not be left in refuge waters overnight.
3. Motorboats are restricted to slow speed/minimum wake.

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Dated: June 7, 1996.

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

[FR Doc. 96-15292 Filed 6-20-96; 8:45 am]

BILLING CODE 4310-55-P

50 CFR Part 32

RIN 1018-AD86

Addition of Patoka River National Wildlife Refuge and Management Area to the List of Open Areas for Hunting and Sport Fishing in Indiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: The U.S. Fish and Wildlife Service (Service) proposes to add Patoka River National Wildlife Refuge and Management Area to the list of areas open for hunting and sport fishing in Indiana 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 Patoka River National Wildlife Refuge and Management Area to hunting migratory 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 Patoka River National Wildlife Refuge and Management Area 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.

Patoka River National Wildlife Refuge and Management Area

Patoka River National Wildlife Refuge and Management Area is located in Southwestern Indiana. The Refuge portion of the project encompasses 6,800 acres. The area designated as Wildlife Management Area includes 15,283 acres, for a total project size of 22,083 acres.

Since the area to be opened for hunting and fishing is presently less than 2,000 acres, the anticipated hunter and angler use will be small, probably consisting of approximately 300–500 use days per year. Use will likely increase as additional areas are purchased and made available. The following are hunting and fishing objectives for the refuge:

- To open lands to compatible recreational hunting as soon as sufficient land has been acquired and biological data collected to properly manage wildlife populations;
- To open all suitable lands to compatible waterfowl hunting, other than those lands needed to provide essential sanctuary;
- To open lands to all forms of compatible traditional resident game hunting after coordination with the Indiana Division of Fish and Wildlife;
- To assure, either spatially or chronologically, that hunting use and general public use do not conflict or encroach upon each other;
- To allow compatible sport fishing within the framework of Indiana Division of Fish and Wildlife regulations, subject to additional regulation by the Service;
- To encourage additional compatible use of the Patoka River's fisheries resources by providing increased/improved access to the river and its oxbows.

The hunting and fishing program is in direct support of the refuge objective to increase public opportunities for outdoor recreation by providing 300 to 500 use days immediately. As more land is acquired these figures will increase accordingly. All proposed hunting and fishing will be in accordance with state seasons and regulations.

Predominate waterfowl of the area are Canada geese, mallards and wood ducks, however, other species common to the flyway also occur at the site. Federal and State regulations permit hunting to utilize harvestable surpluses of resident game and migratory birds and to tailor harvest opportunities to local management needs. These

regulations permit harvests that are consistent with the well being of waterfowl and game animal populations that utilize the area. A major priority on the refuge is the re-establishment of native hardwood trees. The harvest of white-tailed deer and cottontail rabbit, however small, can improve seedling survival and growth. As refuge land ownership increases, this harvest may become an increasingly important component of the reforestation strategy.

Fish populations in refuge waters are healthy and can support recreational fishing at least to levels that occurred prior to Service acquisition. Surveys of the Patoka River in conjunction with preparation of the environmental impact statement verified that populations of fish most often targeted by sport fishermen are sufficient to sustain a recreational fishery. Allowing sport fishing in refuge waters will not inhibit other priority refuge objectives.

Orientation will be facilitated by the use of a hunting regulation leaflet with a map delineating areas open for hunting and fishing. These are available at refuge headquarters and posted at field locations near traditional parking areas. The Service will update the leaflets as new lands are acquired and approved for inclusion into the hunting and fishing program. Because of the patchwork land characteristics of newly established refuges, the public will be apprised of the need to obtain landowner permission when refuge lands are landlocked and lack public access.

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 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. When the Service acquired this land, all public use ceased under law until opened to the public in accordance with this rulemaking.

This refuge is located away from large metropolitan areas. Businesses in the area consist primarily of small family owned stores, restaurants, gas stations and other small commercial enterprises. In addition, there are several small commercial and recreational fishing and hunting camps and marinas in the general area. This proposed rule would have a positive effect on such entities;

however, the amount of revenue generated is not large.

Many area residents enjoy a rural lifestyle that includes frequent recreational use of the abundant natural resources of the area. A high percentage of the households enjoy hunting, fishing, and boating in area wetlands, rivers and lakes. Refuge lands were not generally available for general public use prior to government acquisition; however, they were fished and hunted upon by friends and relatives of the landowners, and some were under commercial hunting and fishing leases. Many nearby residents also participate in other forms of nonconsumptive outdoor recreation, such as biking, hiking, camping, birdwatching, canoeing, and other outdoor sports.

Economic impacts of refuge fishing and hunting programs on local communities are calculated from average expenditures in the "1995 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation". In 1995, 42 million U.S. residents 16 years old and older hunted and/or fished. More specifically, 37 million fished and 14.5 million hunted. Those who both fished and hunted account for the 9.5 million overage. Nationwide expenditures by sportsmen totaled \$42 billion. Trip-related expenditures for food, lodging, and transportation were \$16 billion or 37 percent of all fishing and hunting expenditures; equipment expenditures amounted to \$19 billion, or 46 percent of the total; other expenditures such as those for magazines, membership dues, contributions, land leasing, ownership, licenses, stamps, tags, and permits accounted for \$6.9 billion, or 16 percent of all expenditures. Overall, anglers spent an average of \$41 per day. For each day of hunting, big game hunters averaged spending \$40, small game hunters \$20, and migratory bird hunters \$33.

Applying these national averages to projected visitation at Patoka River NWR results in the following: 500 fisherman are expected to spend \$20,500 annually in pursuit of their sport, while an estimated 500 hunters will spend \$16,500 annually hunting on the refuge. While many of these fishermen already made such expenditures prior to the refuge opening, minor amounts of these additional expenditures are due directly to the land now being open to the general public.

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 is not likely to adversely 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 adding the alphabetical listing of "Patoka River National Wildlife Refuge and Management Area" under the State of Indiana.

3. Section 32.33 *Indiana* is amended by adding in alphabetical order Patoka River National Wildlife Refuge to read as follows:

§ 32.33 Indiana.

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Patoka River 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. 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.

Dated: June 3, 1996.

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

[FR Doc. 96-15132 Filed 6-20-96; 8:45 am]

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50 CFR Part 32

RIN 1018-AD79

Addition of Big Branch Marsh National Wildlife Refuge to the List of Open Areas for Hunting and Sport Fishing in Louisiana

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

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