

habitat requirements and preferences (e.g., preferential use, daily routines, night activities, site fidelity);

(6) Biological or physical elements that best describe Preble's habitat, that could be considered critical for the conservation of the species (e.g., colonies, hibernation, vegetation, food, topography);

(7) Possible alternative recreational, grazing, or farming practices that will reduce or eliminate the take of Preble's or their habitats (e.g., moderate grazing regimes); and,

(8) Other management strategies that will conserve the species throughout its range.

Final promulgation of the regulations on this species will take into consideration the comments and any additional information received by the Service, and such communications may lead to a final regulation that differs from this proposal.

The Act provides for one or more public hearings on this proposal, if requested. Requests must be received within 45 days of the date of publication of the proposal in the **Federal Register**. Such requests must be made in writing and addressed to the Colorado Field Supervisor, see **ADDRESSES** section.

### National Environmental Policy Act

The Service has determined that Environmental Assessments and Environmental Impact Statements, as defined under the authority of the National Environmental Policy Act of 1969, need not be prepared in connection with regulations adopted pursuant to section 4(a) of the Act. A notice outlining the Service's reasons for this determination was published in the **Federal Register** on October 25, 1983 (48 FR 49244).

### Required Determinations

The Service has examined this regulation under the Paperwork Reduction Act of 1995 and found it to contain no information collection requirements. This rulemaking was not subject to review by the Office of Management and Budget under Executive Order 12866.

### References Cited

A complete list of all references cited is available upon request from the Colorado Field Office (see **ADDRESSES** above).

### Author

The primary author of this document is Peter Plage of the Colorado Field Office (see **ADDRESSES** section).

### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, and Transportation.

### Proposed Regulation Promulgation

Accordingly, the Service hereby proposes to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

### PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

**Authority:** 16 U.S.C. 1361–1407; 16 U.S.C. 1531–1544; 16 U.S.C. 4201–4245; Pub. L. 99–625, 100 Stat. 3500, unless otherwise noted.

2. It is proposed to amend § 17.11(h) by adding the following, in alphabetical order under Mammals, to the List of Endangered and Threatened Wildlife to read as follows:

#### § 17.11 Endangered and threatened wildlife.

\* \* \* \* \*

(h) \* \* \*

Species		Historic range	Vertebrate population where endangered or threatened	Status	When listed	Critical habitat	Special rules
Common name	Scientific name						
MAMMALS							
*	*	*	*	*	*	*	*
Mouse, Preble's meadow jumping.	<i>Zapus hudsonius preblei.</i>	U.S.A. (CO, WY) .....	.....do .....	E	.....	NA	NA
*	*	*	*	*	*	*	*

Dated: March 7, 1997.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

[FR Doc. 97–7428 Filed 3–24–97; 8:45 am]

BILLING CODE 4310–55–P

### 50 CFR Part 17

RIN 1018–AA98

### Endangered and Threatened Wildlife and Plants; Notice of Reopening of Comment Period on Reports and Other Data Pertaining to the Listing of the Bruneau Hot Springsnail

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of reopening of public comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on reports and other data pertaining to the listing of the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) is reopened for an additional 75 days. A notice of availability that opened the original public comment period was published on September 12, 1995 (60 FR 47339). The Service extended the comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). The Service reopened the comment period in a notice published on January 23, 1997 (62 FR 3493). Because of requests from the High Desert Coalition, Inc., Bruneau Valley Coalition, and Quey Johns, the Service hereby reopens the comment period and solicits new information and public

comment on all information and data received since the listing of the species in 1993.

**DATES:** The comment period is reopened until June 9, 1997. Any comments and materials received by the closing date will be considered in the final determination.

**ADDRESSES:** Comments and materials concerning the reports and other information pertaining to the listing of the Bruneau hot springsnail should be submitted to the U.S. Fish and Wildlife Service, Snake River Basin Office, 1387 South Vinnell Way, Room 368, Boise, Idaho 83709. Reports and other data cited in this notice, and public comments and other materials received will be available for public inspection during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Robert Ruesink, Supervisor, at the address listed above (telephone 208/378-5243, facsimile 208/378-5262).

**SUPPLEMENTARY INFORMATION:**

**Background**

On January 25, 1993, the Service published a final rule in the **Federal Register** determining the Bruneau hot springsnail (*Pyrgulopsis bruneauensis*) to be an endangered species (58 FR 5946). In its decision to list the springsnail the Service relied, in part, on a provisional draft of a U.S. Geological Survey (USGS) report (Berenbrock 1992) analyzing the hydrology of the geothermal aquifer in the Bruneau Valley area. The USGS provided the Service with the draft report, but did not release it to the public and requested that the Service not release the report to the public, pending agency review and approval.

On May 7, 1993, the Idaho Farm Bureau Federation, Owyhee County Farm Bureau, Idaho Cattleman's Association, and Owyhee County Board of Supervisors challenged the listing decision on several grounds in a lawsuit filed in United States District Court for the District of Idaho. The plaintiffs argued that the Service committed a number of procedural errors during the listing process, including not allowing the public to review the draft USGS report. On December 14, 1993 the district court determined that the Service committed several procedural errors and set aside the final rule listing the springsnail as an endangered species.

The district court decision was appealed to the United States Court of Appeals for the Ninth Circuit by two intervening conservation groups, the Idaho Conservation League and Committee for Idaho's High Desert. On June 29, 1995 the appellate court overturned the district court decision and reinstated the Bruneau hot springsnail to the endangered species list. However, the appellate court concluded that the Service should have made the draft USGS report (i.e., Berenbrock 1992) available for public review, as the Service relied largely on this report to support the final listing rule. The appellate court directed the Service to provide an opportunity for public comment on the final USGS report and to reconsider its listing decision.

To comply with the court's direction, the Service announced that the Berenbrock (1992) report, and other reports and data pertaining to the listing of the springsnail were available for

public comment until November 13, 1995, in a notice published on September 12, 1995 (60 FR 47339). Because of a request from Susan E. Buxton on behalf of her client (John B. Urquidi, J & J Ranches, Bruneau, Idaho), the Service extended the public comment period until December 15, 1995, in a notice published on November 13, 1995 (60 FR 56976). Nearly 400 comments were received from individuals and agencies during the public comment period.

Because of a moratorium on final listing actions from April 10, 1995, until April 26, 1996 (Public Law 104-6), the Service was unable to comply with the June 1995 court decision and issue its reconsidered listing decision. In anticipation of the end of the moratorium and after it was lifted, the Service issued interim guidance on March 11, 1996 (61 FR 9651), final guidance for fiscal year 1996 on May 16, 1996 (61 FR 24722), and final guidance for fiscal year 1997 on December 5, 1996 (61 FR 64475), regarding the setting of priorities for various listing actions. These guidance documents focused the Service's limited funds on emergency actions, and final rules for imminently and highly threatened species, and for multi-species packages. Consequently, the Service took no action on the springsnail during fiscal year 1996. Though listing priorities now allow the Service to take final action on this court decision, it has been over 1 year since the close of the last public comment period. As a result, the Service made available for public review new information and other data pertaining to the listing of the Bruneau hot springsnail received since the close of the November 13, 1995, comment period. Because of requests from the High Desert Coalition, Inc., Bruneau Valley Coalition, and Quey Johns, the Service hereby reopens the comment period and solicits new information and public comment on all information and data received since the listing of the species in 1993.

**Available Reports and Data**

The following combined list of reports and letters contained in Service files, including other non-cited information, are available for public review:

*Berenbrock, C. 1992.* Effects of well discharges on hydraulic heads in and spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations, Boise, Idaho. Preliminary report.

*Berenbrock, C. 1993.* Effects of well discharges on hydraulic heads in and

spring discharges from the geothermal aquifer system in the Bruneau area, Owyhee County, southwestern Idaho. U.S. Geological Survey, Water-Resources Investigations Report 93-4001, Boise, Idaho.

*Bruneau Valley Coalition, Inc. 1995.* Habitat maintenance and conservation plan for the Bruneau hot springsnail, January, 1995. Unpublished plan.

*Bruneau Valley Coalition, Inc. 1995.* Proposed amendment to the "Threatened and Endangered Species" section of the Interim Comprehensive Land Use Plan for the federally and state managed lands in Owyhee County. Unpublished amendment.

*Idaho Water Resources Research Institute 1994.* Bruneau hot springs aquifer restoration report: a preproposal. Unpublished report, University of Idaho, Moscow, Idaho.

*Lee, J. A. 1994.* Summary report for the control survey of the Bruneau hot springsnail. Unpublished report, Bureau of Land Management, Boise District Office, Boise, Idaho.

*Mladenka, G. C. 1993.* Report on the 1993 Bruneau hot springsnail site survey. Unpublished report.

*Mladenka, G. C. 1995.* Bruneau Hot Springs invertebrate survey. Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.

*Mladenka, G.C. and G.W. Minshall 1996.* Report on the 1996 Bruneau hot springsnail site survey. Unpublished report.

*Royer, T. V. and G. W. Minshall 1993.* 1993 Annual Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Unpublished report, Stream Ecology Center, Idaho State University, Pocatello, Idaho.

*U.S. Geological Survey 1993.* Unpublished letter addressing error in estimating natural recharge to geothermal aquifer system, and status of Bruneau-area ground water-levels and spring discharges. Boise, Idaho.

*U.S. Geological Survey 1995a.* Unpublished letter summarizing results of Bruneau-area ground water-level and spring discharge monitoring data through December 1994. Boise, Idaho.

*U.S. Geological Survey 1995b.* Unpublished letter commenting on Idaho Water Resources Research Institute's report and summarizing provisional, spring discharge data collected from June 1994 through July 1995 from three hot springs above Hot Creek, Idaho.

*U. S. Geological Survey 1996a.* Unpublished letter summarizing Bruneau-area ground water-level and spring discharge monitoring data

collected through January 1996. Boise, Idaho.

*U.S. Geological Survey 1996b.* Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through June 1996. Boise, Idaho.

*U.S. Geological Survey 1996c.* Annual report summarizing results of Bruneau-area ground water-level and spring discharge monitoring through September 1996. Boise, Idaho.

*Varricchione, J. T. and G. W. Minshall 1995.* 1994 Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Technical Bulletin No. 95-14, Idaho Bureau of Land Management.

*Varricchione, J. T. and G. W. Minshall 1995.* Gut content analysis of wild *Gambusia* and *Tilapia* in Hot Creek, Bruneau, Idaho. Unpublished report, Idaho State University, Pocatello, Idaho.

*Varricchione, J. T. and G. W. Minshall 1996.* 1995 Monitoring Report: Bruneau hot springsnail (*Pyrgulopsis bruneauensis*). Idaho Bureau of Land Management Technical Bulletin No. 96-8. Stream Ecology Center, Idaho State University, Pocatello, Idaho.

#### Authority

The authority for this action is the Endangered Species Act, as amended (16 U.S.C. 1531-1544.)

#### List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: March 18, 1997.

**Thomas J. Dwyer,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 97-7449 Filed 3-24-97; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 648

[I.D. 031497B]

#### Mid-Atlantic Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) will

hold public hearings to allow for input on proposed Amendment 10 to the Fishery Management Plan for the Atlantic Surf Clam and Ocean Quahog Fishery (FMP).

**DATES:** Written comments will be accepted until May 2, 1997. The public hearings will be at 7 p.m. and will be tape recorded with the tapes filed as the official transcript of the hearings. The hearings are scheduled as follows:

1. Tuesday, April 8, 1997, Machias, ME
2. Wednesday, April 9, 1997, Ellsworth, ME
3. Monday, April 14, 1997, Cape May Courthouse, NJ

**ADDRESSES:** Send comments to: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council, Room 2115 Federal Building, 300 South New Street, Dover, DE 19904-6790.

The hearings will be held at the following locations:

1. Machias—University of Maine (Science Building, Room 202), 9 O'Brien Avenue, Machias, ME, telephone 207-255-1200.
2. Ellsworth—Holiday Inn, 215 High Street, Ellsworth, ME, telephone 207-667-9341.
3. Cape May Courthouse—Cape May Extension Office, Dennisville Road, Cape May Courthouse, NJ, telephone 609-465-5115.

#### FOR FURTHER INFORMATION CONTACT:

David R. Keifer, 302-674-2331 (fax 302-674-5399).

**SUPPLEMENTARY INFORMATION:** An individual transferable quota (ITQ) allocation system for the FMP was implemented in Amendment 8 (55 FR 24184, June 14, 1990). It was discovered, about that time, that the Maine inshore ocean quahog, or "mahogany quahog," fishery that occurred on the same species (*Arctica islandica*) was moving out of state waters into the exclusive economic zone (EEZ). This created quite a problem, in that the Magnuson Fishery Conservation and Management Act mandated that "to the extent practical, an individual stock of fish shall be managed as a unit throughout its range, and interrelated stocks of fish shall be managed as a unit or in close coordination" (National Standard 3). The small inshore Maine mahogany ocean quahog fishery differs profoundly from the traditional EEZ ocean quahog fishery that occurs on Georges Bank and south, because the mahogany quahogs are harvested at a much smaller average size by fishermen on a much smaller scale individually than in the ocean quahog fishery. The management tools developed during the first 20 years of Federal management for

surf clams and ocean quahogs did not fit the Maine fishery well. In 1990, as a temporary expedient, it was decided to declare the Maine ocean quahog fishery "experimental," pending a better and permanent solution. Amendment 10 is intended to provide that solution and fully integrate the Maine fishery into the FMP upon the expiration of the experimental fishery on September 30, 1997. Amendment 10 would create a separate additional unit of quota (27,611 bushels, or less than 1 percent of the total EEZ quota) for ocean quahogs landed in Maine from the EEZ. There are currently no limitations on entry into the fishery. Vessel owners and dealers would have to obtain permits and comply with all reporting requirements, as has been done during the experimental fishery. The principal intent of Amendment 10 would be to preserve the artisanal nature of this fishery with the minimal amount of Federal intrusion necessary for the conservation and management of the fishery. Amendment 10 would also introduce a voluntary vessel tracking system (VTS) and would require mandatory operator permits.

Participants in the Maine ocean quahog fishery would be required to comply with the provisions of Amendment 8 to the FMP, except as modified by the following proposed management measures:

1. The Governor of the State of Maine would receive an allocation for ocean quahogs landed in Maine from the EEZ.
2. The initial provisional EEZ quota (27,611 bushels) would be the average of the first 5 years of the experimental fishery.
3. The State of Maine would continue to test for and certify for paralytic shellfish poisoning (PSP) in the ocean quahogs landed in its State, whether from the EEZ or Territorial Sea to ensure public health.
4. The status of the Maine allocation would have the same legal status as ITQs for the remainder of the fishery. Just as those quota owners may make any financial arrangements that they see fit (consistent with governing regulations) for the harvesting of their quota, so could the Governor of Maine.
5. The State of Maine would administer the EEZ quota, except that no program would exempt participants from any of the permitting and reporting requirements specified in Amendment 10 or prior amendments to the FMP.
6. Non-Maine vessels that hold ITQs for quahogs would not be prohibited from fishing in the Federal waters off Maine but, if they choose to land their catch in Maine, they would be required to adhere to all State landings laws.