

shall be confined to hospitals or other healthcare facilities.

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AD20

#### Endangered and Threatened Wildlife and Plants; Proposed Special Rule for the Conservation of the Northern Spotted Owl on Non-Federal Lands

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

**ACTION:** Reopening of the comment period for the proposed special rule.

**SUMMARY:** On February 17, 1995, the Fish and Wildlife Service (Service) published a proposed special rule in the Federal Register (60 FR 9484, February 17, 1995) pursuant to section 4(d) of the Endangered Species Act (Act), to replace the blanket prohibitions against incidental take of spotted owls with a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California. The comment period was scheduled to end on January 26, 1996. The intent of this document is to reopen the comment period to March 1, 1996.

**DATES:** The comment period for written comments is reopened until March 1, 1996.

**ADDRESSES:** Comments and materials concerning this proposed rule should be sent to Mr. Michael J. Spear, Regional Director, Region 1, U.S. Fish and Wildlife Service, 911 N.E. 11th Avenue, Portland, Oregon 97232-4181.

**FOR FURTHER INFORMATION CONTACT:** Mr. Curt Smith, Assistant Regional Director, North Pacific Coast Ecoregion, 3704 Griffin Lane SE, Suite 102, Olympia, Washington 98501 (360/534-9330); or Mr. Ron Crete, Manager, Habitat Protection and Restoration, Office of Technical Support-Forest Resources, P.O. Box 3623, Portland, Oregon 97204-3623 (503/326-6700).

#### SUPPLEMENTARY INFORMATION:

##### Background

The implementing regulations for threatened wildlife generally incorporate the prohibitions of section 9 of the Endangered Species Act of 1973, as amended (Act), for endangered wildlife, except when a "special rule"

promulgated pursuant to section 4(d) of the Act has been issued with respect to a particular threatened species. At the time the northern spotted owl, *Strix occidentalis caurina*, was listed as a threatened species in 1990, the Service did not promulgate a special section 4(d) rule and therefore, all of the section 9 prohibitions, including the "take" prohibitions, became applicable to the species. To replace the blanket prohibitions against take of spotted owls, the Service published a proposed special rule, 50 CFR Part 17, on February 17, 1995, in the Federal Register, pursuant to section 4(d) of the Act, which proposes a narrower, more tailor-made set of standards that reduce prohibitions applicable to timber harvest and related activities on specified non-Federal forest lands in Washington and California.

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

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

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

Dated: January 25, 1996.

Curt Smith,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 641

[Docket No. 960123012-6012-01; I.D. 011995A]

RIN 0648-AF78

#### Reef Fish Fishery of the Gulf of Mexico; Red Grouper Size Limits

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

**ACTION:** Proposed rule; request for comments.

**SUMMARY:** In accordance with the Gulf of Mexico Fishery Management Council's (Council) proposed regulatory amendment under the framework procedure for adjusting management measures of the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico (FMP), NMFS proposes to change the minimum allowable size

of red grouper, currently 20 inches (50.8 cm), to 18 inches (45.7 cm) for persons not subject to the bag limit. The intended effect of this rule is to facilitate harvest of the annual commercial quota for the shallow-water grouper complex, thereby achieving optimum yield.

**DATES:** Written comments must be received on or before March 1, 1996.

**ADDRESSES:** Comments on the proposed rule should be sent to Michael E. Justen or Robert Sadler, Southeast Region, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

Requests for copies of the regulatory amendment, which includes an environmental assessment and a regulatory impact review, and for copies of a minority report submitted by five members of the Council, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609-2486.

**FOR FURTHER INFORMATION CONTACT:** Michael E. Justen or Robert Sadler, 813-570-5305.

**SUPPLEMENTARY INFORMATION:** The reef fish fishery of the Gulf of Mexico is managed under the FMP. The FMP was prepared by the Council and is implemented by regulations at 50 CFR part 641.

#### Proposed Management Measures

The 9.8-million lb (4.4-million kg) shallow-water grouper quota for the commercial fishery has not been taken in recent years. The shallow-water grouper complex includes red grouper, which historically (1986-91) comprised 62 percent of the commercial catch before the current minimum size limit became effective on February 21, 1990. Grouper fishermen testifying to the Council requested the proposed reduction in the minimum allowable size of red grouper from 20 inches (50.8 cm) to 18 inches (45.7 cm) for persons not subject to the bag limit to facilitate the harvest of the quota. These fishermen also noted that wastage occurred in the fishery from discarding dead 18- and 19-inch fish and from using undersized grouper for bait. Utilization of undersized grouper for bait is illegal since § 641.7(f) prohibits the possession of fish smaller than the minimum size limit. Most of these hidden sources of fishing mortality would be counted against the quota under an 18-inch minimum size limit, thereby providing a more accurate estimate of fishing mortality.

The Council reviewed a red grouper stock assessment completed in September 1994 by the Southeast Fisheries Science Center, NMFS,