

horned lizard habitat loss due to agricultural, urban, industrial, and recreational development has and continues to occur on private lands. Large blocks of habitat with few anticipated impacts exist on public lands throughout the range of this species in East Mesa, West Mesa, Yuha Desert, Yuma, and Anza Borrego Desert. Since the publication of the proposed rule to list the flat-tailed horned lizard as threatened, several of the threats identified on public lands have been reduced or eliminated. Threats that have been reduced include those due to geothermal development, oil and gas development, and pesticide spraying. In addition, the conservation commitment of the agencies has increased with the signing of a CA and Management Strategy designed to protect the flat-tailed horned lizard on public lands. MAs have been designated in the Yuha Desert, West Mesa, East Mesa, Yuma Desert, and Anza Borrego State Park. Development of the CA has further reduced threats, as agencies begin to implement actions identified in the Management Strategy.

Because of re-evaluation of information presented in the proposed rule, significant reduction of threats on public land, and uncertainties regarding population trend data, the Service determines that the flat-tailed horned lizard does not meet the required criteria to afford this species threatened status under the Act.

The Service will work actively to gather additional information on its status as part of the Flat-tailed Horned Lizard Interagency Coordinating Committee. Further, the Service will continue to participate with parties of the CA to conserve this species as part of the Flat-tailed Horned Lizard Management Oversight Group.

#### References Cited

A complete list of all references cited is available at the Carlsbad Field Office (see ADDRESSES above).

#### Author

The primary author of this document is Sandy Vissman, Carlsbad Ecological Services Field Office (see ADDRESSES section).

#### Authority

The authority for this action is section 4(b)(6)(B)(ii) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.).

Dated: July 10, 1997.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 679

[I.D. 070797C]

RIN 0648-AJ45

#### Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Prohibited Species Catch Limit for *Chionoecetes opilio* Crab

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** The North Pacific Fishery Management Council (Council) has submitted Amendment 40 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) for Secretarial review. Amendment 40 would establish a prohibited species catch (PSC) limit for *Chionoecetes opilio* crab in a newly established *C. opilio* Bycatch Limitation Zone (COBLZ) of the Bering Sea. Upon attainment of the *C. opilio* PSC limit, directed fishing for groundfish by vessels using trawl gear, except for pollock by vessels using nonpelagic trawl gear, would be prohibited within the COBLZ. This measure is necessary to protect the *C. opilio* stock in the Bering Sea, which has declined to a level that presents a conservation problem. The intended effect of the proposed action is to further limit crab bycatch in the Bering Sea groundfish fisheries.

**DATES:** Comments on Amendment 40 must be submitted on or before September 15, 1997.

**ADDRESSES:** Comments on the proposed FMP amendment must be submitted to Ronald J. Berg, Chief, Fisheries Management Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668, Attn: Lori Gravel, or delivered to the Federal Building, 709

West 9th Street, Juneau, AK. Copies of proposed Amendment 40 and the Environmental Assessment/Regulatory Impact Review/Initial Regulatory Flexibility Analysis are available from the North Pacific Fishery Management Council, 605 West Fourth Ave., Anchorage, AK 99501-2252; telephone 907-271-2809.

**FOR FURTHER INFORMATION CONTACT:** Kim S. Rivera, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires that each Regional Fishery Management Council submit any fishery management plan or plan amendment it prepares to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment, immediately publish a document announcing that the plan or amendment is available for public review and comment.

Amendment 40 would authorize the annual specification of a PSC limit for *C. opilio* crab for the new COBLZ of the Bering Sea based on the total annual abundance estimate of *C. opilio* crab as indicated by the NMFS bottom trawl survey. The PSC limits would be determined as part of the annual BSAI groundfish specification process, after consultation with the Council.

A proposed rule that would implement Amendment 40 may be published in the **Federal Register** for public comment, following NMFS' evaluation of the proposed rule under the Magnuson-Stevens Act procedures. Public comments on the proposed rule must be received by the end of the comment period on the FMP amendment to be considered in the approval/disapproval decision on Amendment 40. All comments received on or before September 15, 1997, whether specifically directed to Amendment 40 or the proposed rule, will be considered in the approval/disapproval decision. Comments received after that date will not be considered in the approval/disapproval decision on Amendment 40.

Dated: July 9, 1997.

**Bruce Morehead,**

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

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