

Assistant Administrator for Fisheries,
National Marine Fisheries Service.

**§ 425.4 Enumeration of jointly listed
endangered and threatened species.**

(a) [Reserved]

(b) Threatened species—A distinct population segment of Atlantic salmon composed of natural and river-specific hatchery populations from the Dennys, Ducktrap, East Machias, Machias, Narraguagus, Pleasant, and Sheepscot rivers, Maine.

Subpart B—[Reserved]

**Subpart C—Joint Regulations
Governing Jointly Listed Threatened
Species**

§ 425.21 Atlantic salmon.

The following provisions shall govern the activities involving Atlantic salmon:

(a) *Prohibitions.* (1) Except as provided in paragraph (b) of this section, all provisions of 50 CFR 17.31(a–b) shall apply to the distinct population segment of Atlantic salmon enumerated at 50 CFR 425.4(b). For the purposes of this section, any reference to the “Director” or the Fish and Wildlife Service shall mean “Services” as defined at 50 CFR 425.3(c). Reports required under § 17.21(c)(4) should also be sent to National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of the species will also be a violation of the Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import or export, by any means whatsoever, any such species taken in violation of applicable State fish and wildlife laws or regulations.

(4) No person shall attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (a) (1) through (3) of this section.

(b) *Exceptions.* (1) The Services may issue incidental take permits or permits authorizing activities which would otherwise be unlawful under paragraphs (a) (1) through (4) of this section for education purposes, scientific purposes, the enhancement or propagation for survival of Atlantic salmon, zoological exhibition, and other conservation purposes consistent with the Act in accordance with 50 CFR 17.32 and 50 CFR part 222, subpart C, Endangered Fish and Wildlife Permits, and pursuant to a section 6 Cooperative Agreement with the State of Maine, if applicable.

(2) Incidental take of Atlantic salmon will not be considered unlawful under

paragraphs (a) (1) through (4) if it results from activities conducted in accordance with:

(i) A State plan to conserve Atlantic salmon that is approved by the Services pursuant to paragraph (b)(3) of this section, and

(ii) Implementing State regulations specified in paragraph (b)(3)(iii) of this section.

(3) State plan.

(i) Upon receipt of a State plan, the Services will publish a notice of availability and allow for a 60-day comment period.

(ii) In determining whether to approve a State plan to conserve the Atlantic salmon, the Services shall consider public comments received and evaluate whether the plan meets the criteria in § 17.32(b)(2) and 50 CFR Part 222, subpart C, Endangered Fish and Wildlife Permits for determining whether to issue an incidental take permit. At a minimum, the plan should contain the following information:

(A) Description of the legal activities having a potential to incidentally take Atlantic salmon;

(B) Description of the potential impact of these activities to Atlantic salmon;

(C) Provisions for minimizing the potential impact on and for promoting the conservation of Atlantic salmon;

(D) Necessary oversight requirements; and

(E) Conditions or criteria that would trigger the immediate cessation of such activities because of the potential negative impact on Atlantic salmon.

(iii) The Services will not approve the plan until activities which are authorized and activities which are prohibited are codified into the State's fish and wildlife regulations.

(iv) The Services will monitor the implementation of the plan and will conduct annual reviews to assess progress, identify problems, and recommend corrective action. If the Services determine that the plan is not being effectively implemented, the concerns will be discussed with appropriate State officials and the nature and timing of corrective action will be jointly determined. If corrective action is not being implemented within 90 days of such discussions, plan approval and authorization for any exceptions to prohibitions on the taking of Atlantic salmon may be revoked either partially or completely. The Services will publish the findings for such revocation in the Federal Register and provide for a 30-day public comment period prior to revocation.

Dated: September 26, 1995.

Nancy Foster,

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

Dated: September 21, 1995.

George T. Frampton, Jr.,

*Assistant Secretary for Fish and Wildlife and
Parks.*

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DEPARTMENT OF COMMERCE

**National Oceanic and Atmospheric
Administration**

50 CFR Part 424

[I.D. 092595A]

**Endangered and Threatened Species;
Proposed Status for the West Coast
Coho Salmon; Public Hearing**

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

ACTION: Notice of public hearings.

SUMMARY: NMFS is announcing dates and locations for public hearings concerning the proposed threatened listing of west coast coho salmon (*Oncorhynchus kisutch*) under the Endangered Species Act (ESA). Hearings on the proposed listings will provide the opportunity for the public to give comments and will permit an exchange of information and opinion among interested parties.

DATES: Written comments will be accepted until October 23, 1995. The meetings on the proposed listings will be held in October. See **SUPPLEMENTARY INFORMATION** for the specific dates and times of the hearings.

ADDRESSES: Send written comments to Garth Griffin, Environmental and Technical Services Division, NMFS, 525 NE Oregon Street - Suite 500, Portland, OR 97232-2737. Public hearings on the proposed listings will be held in Oregon, Washington, and California. See **SUPPLEMENTARY INFORMATION** for the specific locations of the hearings.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503–231–2005; Craig Wingert, (310) 980–4021; or Marta Nammack, 301–713–1401.

SUPPLEMENTARY INFORMATION: On July 25, 1995, NMFS issued a proposed rule to list three evolutionarily significant units (ESUs) of west coast coho salmon (*Oncorhynchus kisutch*) as threatened under the ESA (60 FR 38011). The three coho salmon ESUs proposed for listing include: (1) Oregon coast, (2) southern

Oregon/northern California coasts, and (3) central California coast. In addition, NMFS has determined that two coho salmon ESUs warrant designation as candidates for listing due to uncertainty regarding their distribution and status. The two coho salmon ESUs proposed for candidate status include: (1) Puget Sound/Strait of Georgia, and (2) lower Columbia River/southwest Washington coast. NMFS has determined that the remaining coho salmon ESU, northwest Olympic Peninsula, WA, is presently neither threatened nor endangered. The ESA implementing regulations state that the Secretary of Commerce "shall promptly hold at least one public hearing if any person so requests within 45 days of publication of a proposed regulation to list ***a species" (50 CFR 424.16 (c)(3)).

The public will have the opportunity to provide oral and written testimony at the public hearings. Written comments on the proposed rule may also be submitted to Garth Griffin (see **ADDRESSES** and **DATES**).

The hearings are scheduled from 6 p.m. to 9 p.m. as follows:

1. Wednesday, October 11, 1995—Hatfield Marine Science Center—Meeting Room 9, 2030 Marine Science Drive, Newport, OR
2. Thursday, October 12, 1995—Gold Beach City Hall—City Council Chambers, 510 South Ellensburg Avenue, Gold Beach, OR
3. Monday, October 16, 1995—Northwest Fisheries Science Center—Auditorium, 2725 Montlake Boulevard, East Seattle, WA
4. Tuesday, October 17, 1995—Bonneville Power Administration—Complex Auditorium, 911 NE. 11th Avenue, Portland, OR
5. Tuesday, October 17, 1995—Red Lion Hotel—One Red Lion Drive, Rohnert Park, CA
6. Wednesday, October 18, 1995—Evergreen State College—Lecture Hall 5, 2700 Evergreen Parkway NW, Olympia, WA
7. Wednesday, October 18, 1995—Eureka Inn—518 7th St., Eureka, CA

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Garth Griffin (see **ADDRESSES**).

Dated: September 25, 1995.
William W. Fox, Jr.,
*Director, Office of Protected Resources,
National Marine Fisheries Service.*
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50 CFR Part 656

[I.D. 092595C]

Atlantic Striped Bass Fisheries; Public Hearings

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

ACTION: Notice of public hearings; request for comments.

SUMMARY: NMFS will hold public hearings to receive comments from fishery participants and other members of the public regarding proposed regulations on the harvest and possession of striped bass in the Exclusive Economic Zone of the Atlantic Ocean from Maine through North Carolina.

To accommodate people unable to attend a hearing or wishing to provide additional comments, NMFS also solicits written comments on the proposed rule.

DATES: Written comments on the proposed rule must be received on or before October 27, 1995. The hearings are scheduled as follows:

1. October 12, 1995, 7 to 9 p.m., Manteo, NC
2. October 16, 1995, 7 to 9 p.m., Toms River, NJ

ADDRESSES: Written comments should be sent to William Hogarth, Office of Fisheries Conservation and Management (F/CM), NMFS, 1315 East-West

Highway, Silver Spring, MD 20910. Clearly mark the outside of the envelope "Atlantic Striped Bass Comments."

The hearings will be held at the following locations:

1. Manteo—North Carolina Aquarium, Roanoke Island, Manteo, NC 27954
2. Toms River—Ocean County Administration Building, 101 Hooper Ave., Room 119, Toms River, NJ 08754

FOR FURTHER INFORMATION CONTACT: William Hogarth at 301-713-2339.

SUPPLEMENTARY INFORMATION: The proposed regulations are necessary to complement the rules already implemented by Atlantic coastal states through the Atlantic States Marine Fisheries Commission's (Commission) Striped Bass Management Plan. The proposed regulations are based on the fact that the Commission has declared the stocks of striped bass with the exception of Roanoke/Albemarle Sound and Delaware River stocks, recovered and has increased the allowable harvest.

A complete description of the measures, and the purpose and need for the proposed action, is contained in the proposed rule published September 27, 1995 and is not repeated here. Copies of the proposed rule may be obtained by writing (see **ADDRESSES**) or calling the contact person (see **FOR FURTHER INFORMATION CONTACT**).

The purpose of this document is to alert the interested public of the hearings and provide for public participation. The hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to William Hogarth by October 6, 1995 (see **ADDRESSES**).

Authority: 16 U.S.C. 1851 note.

Dated: September 25, 1995.
Richard W. Surdi,
*Acting Director, Office of Fisheries
Conservation and Management, National
Marine Fisheries Service.*

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