

exist—(1) The species is threatened by taking or other human activity, and identification of critical habitat can be expected to increase the degree of threat to the species, or (2) such designation of critical habitat would not be beneficial to the species.

As discussed under Factor B above, *Mirabilis macfarlanei* is vulnerable to taking and vandalism. Landowners have been alerted to the presence of the plant without the publication of precise maps and descriptions of critical habitat in the Federal Register, as required in a proposal for critical habitat. The publication of such precise maps and descriptions would increase the vulnerability of these plants to take or vandalism and, therefore, could contribute to their decline. As noted previously, *M. macfarlanei* is an attractive plant with beautiful magenta flowers. Protection of the species' habitat will continue to be addressed through the recovery process and through the section 7 consultation process. Therefore, the Service finds that designation of critical habitat for *M. macfarlanei* is not prudent at this time because such designation would increase the species' vulnerability to vandalism and collecting and because it is unlikely to aid in the conservation of the species.

#### Effects of the Rule

This rule changes the status of *Mirabilis macfarlanei* from endangered to threatened and formally recognizes that this species is no longer in imminent danger of extinction throughout a significant portion of its range. Reclassification to threatened does not significantly alter the protection afforded this species under the Act.

Section 7(a) of the Act requires Federal agencies to evaluate their actions with respect to any listed species. The consultation and other requirements of section 7 apply equally to endangered and threatened species. Most populations of *Mirabilis macfarlanei* occur on Forest Service or Bureau lands. These agencies have been involved in recovery and section 7 consultation activities for this species since it was listed as endangered in 1979 and are likely to remain involved. Recovery activities are not expected to diminish since the primary objective of the recovery strategy is delisting of the species. The recovery plan will be revised to reflect information acquired since the original plan was approved in 1985.

Certain prohibitions that apply to endangered plants do not apply to plants listed as threatened. The removal

and reduction to possession of *Mirabilis macfarlanei* from areas under Federal jurisdiction continues to be prohibited under section 9 of the Act and 50 CFR 17.71. However, the malicious damage or destruction of endangered plants on areas under Federal jurisdiction, and the removal, cutting, digging up or damage or destruction of endangered species on any other area in knowing violation of any State law or regulation or in the course of any violation of a State criminal trespass law will no longer constitute a violation of section 9. Take of *M. macfarlanei* will continue to be prohibited pursuant to the State of Oregon's Endangered Species Act. The import, export, and interstate and foreign commerce prohibitions of section 9 continue to apply to *M. macfarlanei*.

Pursuant to section 10 of the Act and 50 CFR 17.72, permits may be issued to carry out otherwise prohibited activities involving threatened plants. Such permits are available for scientific purposes and to enhance the propagation or survival of endangered and threatened species. For threatened plants, permits also are available for botanical or horticultural exhibition, educational purposes, or special purposes consistent with the purposes and policy of the Act. Requests for copies of the regulations regarding listed species and inquiries about prohibitions and permits may be addressed to the U.S. Fish and Wildlife Service, Ecological Services, Endangered Species Permits, 911 NE. 11th Avenue, Portland, Oregon 97232-4181 (503/231-2063; FAX 503/231-6243).

This reclassification is not an irreversible commitment on the part of the Service. Reclassifying *Mirabilis macfarlanei* to endangered would be possible should changes occur in management, habitat, or other factors that alter the present threats to the species' survival and recovery.

#### National Environmental Policy Act

The Fish and Wildlife 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 Endangered Species Act of 1973, as amended. A notice outlining the Service's reasons for this determination was published in the Federal Register on October 25, 1983 (48 FR 49244).

#### References Cited

A complete list of all references cited herein is available upon request from

the Boise Field Office (See ADDRESSES above).

Author: The primary author of this final rule is Dr. Andrew F. Robinson Jr., U.S. Fish and Wildlife Service, 2600 SE 98th Avenue, Suite 100, Portland, Oregon 97266 (503/231-6179).

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

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

#### Regulation Promulgation

Accordingly, part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, is amended 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.

#### § 17.12 [Amended]

2. Section 17.12(h) is amended by revising the entry in the "Status" column for *Mirabilis macfarlanei* under "FLOWERING PLANTS" to "T" instead of "E", and the entry in the "When listed" column to read "66,581".

Dated: November 9, 1995.

Mollie H. Beattie,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 96-6213 Filed 3-14-96; 8:45 am]

BILLING CODE 4310-55-P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 675

[Docket No. 960129019-6019-01; I.D. 031196E]

#### Groundfish of the Bering Sea and Aleutian Islands Area; Pacific Ocean Perch in the Central Aleutian District

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

ACTION: Closure.

SUMMARY: NMFS is closing the directed fishery for Pacific ocean perch in the Central Aleutian District of the Bering Sea and Aleutian Islands management area (BSAI). This action is necessary to prevent exceeding the specification of Pacific ocean perch in this area.

**EFFECTIVE DATE:** 12 noon, Alaska local time (A.l.t.), March 11, 1996, until 12 midnight, A.l.t., December 31, 1996.

**FOR FURTHER INFORMATION CONTACT:** Andrew N. Smoker, 907-586-7228.

**SUPPLEMENTARY INFORMATION:** The groundfish fishery in the BSAI exclusive economic zone is managed by NMFS according to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area (FMP) prepared by the North Pacific Fishery Management Council under authority of the Magnuson Fishery Conservation and Management Act. Fishing by U.S. vessels is governed by regulations implementing the FMP at 50 CFR parts 620 and 675.

In accordance with § 675.20(a)(7)(ii), the Final 1996 Harvest Specifications of Groundfish (61 FR 4311, February 5, 1996) for the BSAI established 2,571 metric tons (mt) as the initial total allowable catch for Pacific ocean perch in the Central Aleutian District.

The Director, Alaska Region, NMFS (Regional Director), has determined, in accordance with § 675.20(a)(8), that the Pacific ocean perch initial total allowable catch in the Central Aleutian District subarea soon will be reached. Therefore, the Regional Director has established a directed fishing allowance of 2,471 mt after determining that 100 mt will be taken as incidental catch in directed fishing for other species in the Central Aleutian District. NMFS is prohibiting directed fishing for Pacific

ocean perch in the Central Aleutian District to prevent exceeding the directed fishing allowance.

Maximum retainable bycatch amounts for applicable gear types may be found in the regulations at § 675.20(h).

**Classification**

This action is taken under § 675.20 and is exempt from review under E.O. 12866.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: March 11, 1996.

Richard W. Surdi,

*Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.*

[FR Doc. 96-6176 Filed 3-11-96; 4:01 pm]

**BILLING CODE 3510-22-F**