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## DEPARTMENT OF INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

RIN 1018-AB75

#### Endangered and Threatened Wildlife and Plants; Notice of Public Hearing and Reopening of Comment Period for Proposal To List the Northern Copperbelly Water Snake (*Nerodia Erythrogaster Neglecta*) as a Threatened Species

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

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

**SUMMARY:** The U.S. Fish and Wildlife  
 Service (Service) gives notice that a  
 public hearing will be held on the  
 proposed determination of threatened  
 status for the northern copperbelly  
 water snake (*Nerodia erythrogaster  
 neglecta*) and that the comment period  
 on the proposal is reopened. This  
 hearing and reopened comment period  
 will allow comments on this proposal to  
 be submitted from all interested parties.

**DATES:** The comment period on the  
 proposal is reopened on March 22, 1994  
 and will close on April 21, 1994. The  
 public hearing will be held from 7 to 9  
 p.m. on Tuesday, April 5, 1994, in  
 Indianapolis, Indiana.

**ADDRESSES:** The public hearing will be  
 held at the Indiana War Memorial  
 Auditorium, 431 North Meridian Street,  
 Indianapolis, Indiana 46204. Written  
 comments and materials should be sent  
 to the Regional Director, U.S. Fish and  
 Wildlife Service, Bishop Henry Whipple  
 Federal Building, 1 Federal Drive, Ft.  
 Snelling, Minnesota 55111-4056.  
 Comments and materials received will  
 be available for public inspection during  
 normal business hours, by appointment,  
 at the above Regional Office address.

**FOR FURTHER INFORMATION CONTACT:** For  
 information on the public hearing  
 contact David Hudak, Supervisor, U.S.  
 Fish and Wildlife Service Ecological  
 Services Field Office, 620 S. Walker  
 Street, Bloomington, Indiana 47403-  
 2121 (812/334-4261; fax 812/334-4273).

#### SUPPLEMENTARY INFORMATION:

##### Background

The northern copperbelly water snake  
 has been proposed for listing as a  
 threatened species due to strong  
 evidence that its range and numbers  
 have declined dramatically, primarily as  
 a result of the destruction of its habitat,  
 and that the threats to the habitat and  
 to the snakes themselves are continuing.

The Federal Register notice proposing  
 the northern copperbelly water snake  
 for classification as a threatened species  
 was published on August 18, 1993. The  
 original comment period ended on  
 October 18, and the deadline for receipt  
 of public hearing requests was October  
 4. On October 12, 1993, a second notice  
 was published reopening the comment  
 period until November 16, and the  
 hearing request deadline until  
 November 4, 1993. The deadlines were  
 extended because the Service believed a  
 number of parties interested in the  
 proposed listing may not have received  
 notice of the proposal in sufficient time  
 to submit comments or request a public  
 hearing during the original comment  
 period.

On October 15, 1993, the Service  
 received a request for a public hearing  
 on this proposal from Mr. James E.  
 Baker, representing the Western  
 Kentucky Coal Association, Frankfort,  
 Kentucky. A second request for a public  
 hearing was received by the Service on  
 November 1 from Ms. Bertha  
 Daubendiek, representing the Michigan  
 Nature Association, Avoca, Michigan.  
 The Service has scheduled a hearing  
 from 7 to 9 p.m. E.S.T., at the Indiana

War Memorial Auditorium,  
 Indianapolis, Indiana. Those parties  
 wishing to make statements for the  
 record should have available a copy of  
 their statements to be presented to the  
 Service at the start of the hearing. Oral  
 statements may be limited to 5 or 10  
 minutes if the number of parties present  
 that evening necessitates some  
 limitation. There are no limits to the  
 length of written comments presented at  
 this hearing or mailed to the Service.

In order to accommodate the hearing,  
 the Service also reopens the public  
 comment period. Written comments  
 may now be submitted between March  
 21 and April 21, 1994, to the Service  
 office in the Addresses section or at the  
 public hearing.

#### Author

The primary author of this notice is  
 Ronald L. Refsnider, Division of  
 Endangered Species, Bishop Henry  
 Whipple Federal Building, 1 Federal  
 Drive, Ft. Snelling, Minnesota 55111-  
 4056 (phone 612-725-3276; fax 612-  
 725-3526).

**Authority:** 16 U.S.C. 1361-1407; 16 U.S.C.  
 1531-1543; 16 U.S.C. 4201-4245; Pub. L. 99-  
 625, 100 Stat. 3500; unless otherwise noted.

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

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

Dated: March 18, 1994.

Jay L. Gerst,

Acting Director, Fish and Wildlife Service.

[FR Doc. 94-6827 Filed 3-21-94; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 651

[Docket No. 940232-4032; I.D. 030494B]

#### Northeast Multispecies Fishery

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

**ACTION:** Denial of flexible area action  
 system.

**SUMMARY:** NMFS issues this notification  
 to announce denial of management  
 actions recommended in Flexible Area  
 Action System (FAAS) #7 by the New  
 England Fishery Management Council  
 (Council) for implementation as  
 specified under implementing

regulations for Amendment 5 to the Northeast Multispecies Fishery Management Plan (FMP). These recommendations specified management actions to close an area to fishing due to suspected high levels of discards affecting mortality on juvenile, sub-legal and spawning haddock in and around an area located offshore of Cape Cod, MA. The effect of this action is to leave the area open to fishing.

**DATES:** This notification of denial is effective March 21, 1994.

**ADDRESSES:** Copies of the NMFS Northeast Regional Director's (Regional Director) fact-finding report and the Council's Impact Analysis may be requested from the Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, MA 01960.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, NMFS, Fishery Policy Analyst, 508-281-9272.

**SUPPLEMENTARY INFORMATION:** This action was taken under § 651.26 of the Northeast Multispecies Regulations. Section 651.26 specifies a FAAS to provide protection to concentrations of juvenile, sub-legal or spawning fish. As part of this process, the Regional Director initiated a fact-finding investigation of the alleged discard problem and the Council provided an impact analysis of alternative measures which might be implemented under this action.

A notification initiating these actions under the FAAS was published on February 10, 1994 (59 FR 6232). The notification informed the public of a potential problem with discards of spawning haddock in the vicinity of Closed Area I off of Cape Cod, MA. The notification stated that the Council's Multispecies Committee (Committee) was considering recommending action to close the area to the use of gear capable of taking multispecies. As an alternative, the Committee was also considering the implementation of other measures under the FMP and its implementing regulations, including but not limited to, mesh size restrictions, catch limits, or other less restrictive measures. The notification specified that the required reports would be available on February 18, 1994, and that written comments on the action would be accepted through February 24, 1994,

at which time, a public hearing on the matter would be held.

A public hearing was conducted by the Committee on February 24, 1994; oral and written public comments were received. One written comment was received from the Executive Secretary for Associated Fisheries of Maine. The Associated Fisheries of Maine supported the FAAS, citing a single sea-sampled trip in January 1994, which, in part, caused initiation of FAAS #7. The representative likened the circumstances to those surrounding the continued closure of Area II by extension of the emergency interim rule, effective from January 3, 1994, through April 2, 1994. No other written comments were received.

At the public hearing a representative from NMFS introduced a summary of a sea-sampled trip that conducted tows in Area I from February 19 through 22, 1994. A summary of the single trip indicated that there were discards of sub-legal haddock. The NMFS representative also read the fact-finding report into the record. Anecdotal information along with an analysis in the report of the sea-sampled trip that precipitated the FAAS #7 tended to support the initial claim of high discards of spawning and sub-legal haddock.

A representative of the Conservation Law Foundation, in support of the proposed FAAS, introduced historical data from NMFS trawl surveys in recent years, as did the Regional Director, which showed a general movement of haddock to the South as the season progressed, which was generally confirmed by an NMFS scientist from the Northeast Fisheries Science Center.

All commenters at the public hearing supported the proposed FAAS. There were no dissenters.

The Committee, after reviewing the public record and the required documents, recommended that the Regional Director close the area described below under the provisions of the FAAS (50 CFR 651.26).

	Latitude N	Longitude W
A .....	41°30'	69°23'
B .....	40°45'	68°45'
C .....	40°45'	68°30'
D .....	41°30'	68°30'
A .....	41°30'	69°23'

The Committee recommended that the closure be consistent with the closure of Area II under the emergency rules, and that the area be opened upon expiration of the Area II emergency action.

However, the Regional Director, after reviewing information presented in the required documents and from public testimony, decided to disapprove the Committee's recommendation. In a letter to the Chairman of the Multispecies Committee, he stated that the data available to him and to the Committee were not conclusive. He further explained that with publication of the final regulations for Amendment 5 to the Northeast Multispecies Regulations, and partial implementation of that amendment beginning March 1, 1994, former Closed Area I would be opened. Approval of this FAAS action would undo that particular provision of Amendment 5. Finally, the Regional Director stated that the area under consideration is relatively large and traditionally important, especially to vessels fishing primarily from the ports of New Bedford, and Gloucester, MA. He concluded that the impact of the proposed FAAS could be severe if, in the absence of hard, verifiable data, closure was imposed on top of the restrictions already contained in Amendment 5.

The Regional Director intends to continue monitoring this area to determine the discard rate and whether it is significant. This will enable the Committee and the NMFS to act quickly should a documented spawning or sub-legal haddock discard problem justify such action.

**Classification**

This action is authorized by 50 CFR part 651 and is consistent with the Magnuson Fishery Conservation and Management Act and other applicable law.

**List of Subjects in 50 CFR Part 651**

Fisheries, Fishing, Reporting and recordkeeping requirements.

**Authority:** 16 U.S.C. 1801 *et seq.*  
**Dated:** March 16, 1994.

**Charles Karnella,**  
 Acting Assistant Administrator for Fisheries,  
 National Marine Fisheries Service.

[FR Doc. 94-6645 Filed 3-21-94; 8:45 am]

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