

§ 401.75 [Amended]

20. Section 401.75 would be amended by removing the phrase "Or American funds, as indicated on the invoice," and adding in their place the word "funds" in paragraph (a).

21. Section 401.81 would be amended by revising paragraph (a) to read as follows:

§ 401.81 Reporting an accident.

(a) Where a vessel on the Seaway is involved in an accident, the master of the vessel shall report the accident to the nearest Seaway station immediately or as soon as the vessel can make radio contact with the station.

* * * * *

§ 401.84 [Amended]

22. Section 401.84 would be amended by removing the number "401.21" and adding in its place the number "401.19" in paragraph (c).

§§ 401.86, 401.87, and 401.88 [Amended]

23. In Sections 401.86, 401.87, and 401.88, remove the words "or the Authority" wherever they appear in the following places:

- a. Section 401.86(a), (b), and (c).
- b. Section 401.87(c), (d), and (d)(3).
- c. Section 401.88(a)(2) and (b).

§ 401.89 [Amended]

24. Section 401.89 would be amended by removing the number "401.6" and adding in its place the number "401.5" and removing the number "401.21" and adding in its place the number "401.19" in paragraph (a)(1).

25. Section 401.90 would be revised to read as follows:

§ 401.90 Boarding for inspections.

(a) For the purpose of enforcing these Regulations in this part in both Canadian and U.S. waters, an officer may board any vessel and:

(1) Examine the vessel and its cargo; and

(2) Determine that the vessel is adequately manned.

(b) In addition to § 401.90(a)(1) and (2) in Canadian waters, a Manager's officer may also:

(1) Require any person appearing to be in charge of the vessel to produce for inspection, or for the purpose of making copies or extracts, any log book, document or paper; and

(2) In carrying out an inspection:

(i) Use or cause to be used any computer system or data processing system on the vessel to examine any data contained in, or available to, the system;

(ii) Reproduce any record, or cause it to be reproduced from the data, in the

form of a print-out or other intelligible output and remove the print-out or other output for examination or copying; and

(iii) Use or cause to be used any copying equipment in the vessel to make copies of any books, records, electronic data or other documents.

(c) In Canadian waters, the owner or person who is in possession or control of a vessel that is inspected, and every person who is found on the vessel, shall:

(1) Give the officer all reasonable assistance to enable the officer to carry out the inspection and exercise any power conferred by the Canada Marine Act; and

(2) Provide the officer with any information relevant to the administration of these practices and procedures that the officer may reasonably require.

§ 401.93 [Amended]

26. Section 401.93 would be amended by adding the words "or its successor" after the words "*Shore Traffic Regulations*" in paragraph (b).

§ 401.94 [Amended]

27. The heading for § 401.94 would be amended by removing the word "copy" and adding in its place the word "copies".

Schedule III to Subpart A [Amended]

28. Schedule III to subpart A, part 401 would be amended as follows:

a. Amend item 5 by removing items 3, 4, and 5 in the third column, under the heading "Message Content", and redesignating item 6 in that column as item 3.

b. Amend item 8 by removing the words "and call sign" from item 1 in the third column, under the heading "Message Content", by removing items 5 and 6 in that column, and adding a new item 5 in that column to read as follows, "5. All ports of call".

c. Amend item 19 by removing items 3, 4, 5, and 6 in the third column, under the heading "Message Content", and redesignating item 7 in that column as item 3.

d. Amend item 35 by removing item 3 in the third column, under the heading "Message Content".

e. Amend item 36 by removing items 3, 4, and 5 in the third column, under the heading "Message Content", and 20 redesignating items 6 and 7 in that column as items 3 and 4.

f. Amend item 40 by removing items 3, 4, and 5 in the third column, under the heading "Message Content".

§§ 401.2, 401.12, 401.13, 401.22, 401.24, 401.25, 401.31, 401.34, 401.54, 401.59,

401.66, 401.72, 401.78, 401.91, 401.92, 401.93, 401.96, 401.97, and Schedule II to subpart A [Amended]

PART 401—[AMENDED]

29. In addition to the amendments set forth above, in 33 CFR part 401 remove the word "Authority" and add in its place the word "Manager" in the following places:

- a. Section 401.2(d), (e), (h), (j), and (k);
- b. Section 401.12(a)(2) and (a)(4)(ii);
- c. Section 401.13(a);
- d. Section 401.22(a);
- e. Section 401.24;
- f. Section 401.25;
- g. Section 401.31(b);
- h. Section 401.34;
- i. Section 401.54(b);
- j. Section 401.59(d);
- k. Section 401.66(b);
- l. Section 401.72(e);
- m. Section 401.78(b);
- n. Section 401.91;
- o. Section 401.92;
- p. Section 401.93(a) and (b);
- q. Section 401.96(a), (b), (c), and (e);
- r. Section 401.97(a), (b)(2), and (d);

and

s. Footnote 1 to Schedule II to subpart A, "Table of Speeds".

Issued at Washington, D.C. on June 20, 2000.

Saint Lawrence Seaway Development Corporation.

Marc C. Owen,

Chief Counsel.

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DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****RIN 1018-AF32**

Endangered and Threatened Wildlife and Plants; Reopening of Comment Period and Notice of Availability of Draft Economic Analysis for Proposed Critical Habitat Determination for the Coastal California Gnatcatcher

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule; reopening of comment period and notice of availability of draft economic analysis.

SUMMARY: The U.S. Fish and Wildlife Service announces the availability of the draft economic analysis for the proposed designation of critical habitat for the coastal California gnatcatcher (*Poliioptila californica californica*). We are also providing notice of the

reopening of the comment period for the proposal to designate critical habitat for the coastal California gnatcatcher to allow all interested parties to submit written comments on the proposal and on the draft economic analysis. Comments previously submitted need not be resubmitted as they will be incorporated into the public record as a part of this reopened comment period and will be fully considered in the final rule.

DATES: The original comment period on the critical habitat proposal closed on April 7, 2000. The comment period is again reopened and we will accept comments until July 31, 2000. Comments must be received by 5:00 p.m. on the closing date. Any comments that are received after the closing date may not be considered in the final decision on this proposal.

ADDRESSES: Copies of the draft economic analysis are available on the Internet at "www.r1.fws.gov." or by writing to the Field Supervisor, U.S. Fish and Wildlife Service, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California, 92008. Written comments should be sent to the Field Supervisor at the above address. You may also send comments by electronic mail (e-mail) to "http://pacific.fws.gov/crithab/cg." Please submit electronic comments in ASCII file format and avoid the use of special characters and encryption. Please include "Attn: [RIN 1018-AF32]" and your name and return address in your e-mail message. If you do not receive a confirmation from the system that we have received your e-mail message, contact us directly by calling our Carlsbad Fish and Wildlife Office at phone number 760-431-9440. Comments and materials received will

be available for public inspection, by appointment, during normal business hours at the above Service address.

FOR FURTHER INFORMATION CONTACT: Douglas Krofta, Fish and Wildlife Biologist, Carlsbad Fish and Wildlife Office, at the above address (telephone 760-431-9440; facsimile 760-431-9624).

SUPPLEMENTARY INFORMATION:

Background

The coastal California gnatcatcher is a small, insect-eating bird with dark blue-gray plumage above and grayish-white plumage below. The tail is mostly black above and below. The male has a distinctive black cap which is absent during the winter. Both sexes have a distinctive white eye-ring. The coastal California gnatcatcher is primarily restricted to sage scrub and scrub habitats found in coastal southern California and northwestern Baja California, Mexico, from Ventura and San Bernardino counties, California, south to approximately El Rosario, Mexico, at about 30° north latitude. The once-common species was federally listed as threatened in March 1993, due to habitat loss and fragmentation resulting from urban and agricultural development, and the cumulative effects of cowbird parasitism and predation (58 FR 16742). On February 7, 2000, we published a determination proposing 323,726 hectares (799,916 acres) of sage scrub and scrub habitats as critical habitat for the coastal California gnatcatcher in the **Federal Register** (65 FR 5946) pursuant to the Endangered Species Act of 1973, as amended (Act). Critical habitat is proposed in Los Angeles, Orange, Riverside, San Bernardino, and San Diego counties,

California, as described in the proposed determination.

Section 4(b)(2) of the Act requires that the Secretary shall designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact of specifying any particular area as critical habitat. Based upon the previously published proposal to designate critical habitat for the coastal California gnatcatcher and comments received during the previous comment period, we have prepared a draft economic analysis of the proposed critical habitat designation, which is available at the above Internet and mailing address. We have reopened the comment period at this time in order to accept the best and most current scientific and commercial data available regarding the proposed critical habitat and the draft economic analysis. We will accept written comments during this reopened comment period. Previously submitted oral or written comments on this critical habitat proposal need not be resubmitted. The current comment period on this proposal closes on July 31, 2000. Written comments may be submitted to the Carlsbad Fish and Wildlife Office in the **ADDRESSES** section.

Author

The primary author of this notice is Douglas Krofta (see **ADDRESSES** section).

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

Dated: June 23, 2000.

Michael J. Spear,

Manager, California/Nevada Operations.

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