

(1) *What activities are prohibited?* Except as noted in paragraph (b)(2) of this section, all prohibitions of § 17.31 will apply to the Chiricahua leopard frog.

(2) *What activities are allowed on non-Federal land?* Incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Endangered Species Act of 1973, as amended (Act), if it results from livestock use of, or maintenance activities at, livestock tanks located on any non-Federal lands. A livestock tank is defined as an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

#### Comments Solicited

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing us to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause. Additionally, this reopened comment period will allow the public to consider and comment on the clarification of the special rule provided in this notice.

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to 11 such requests, we will hold two public hearings (see **DATES** and **ADDRESSES**).

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and submit it at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments submitted at the hearings or mailed to the Fish and Wildlife Service.

The comment period on this proposal closed on September 12, 2000. In order to accommodate public hearings, we now reopen the public comment period. Written comments may now be submitted until October 27, 2000, to our office in the **ADDRESSES** section.

*Author:* The primary author of this notice is James Rorabaugh (see **ADDRESSES**).

*Authority:* The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531–1544).

Dated: September 20, 2000.

**Nancy M. Kaufman,**  
*Regional Director, Region 2, Fish and Wildlife Service.*

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## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Part 17

**RIN 1018–AF41**

#### **Endangered and Threatened Wildlife and Plants; Reopening of Comment Period, Notice of Public Hearings on Proposed Threatened Status for Chiricahua Leopard Frog, and Clarification of Special Rule**

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

**ACTION:** Proposed rule; reopening of comment period, notice of public hearing, and clarification.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service) give notice that the comment period is reopened and that public hearings are scheduled on the proposed rule to list the Chiricahua leopard frog as threatened with a special rule. The hearings and the reopening of the comment period will allow all interested parties to submit oral or written comments on the proposal. We also clarify the extent of lands to which a proposed special rule for the frog would apply.

**DATES:** The public hearings will be held from 7 p.m. to 9 p.m. on October 10, 2000, in Silver City, New Mexico; and October 11, 2000, in Bisbee, Arizona. The comment period for this proposal is now reopened until October 27, 2000. Comments must be received by the closing date. Any comments that are received after the closing date may not be considered in the final decision on the proposal.

**ADDRESSES:** The public hearings will be held at Light Hall Auditorium, Western New Mexico University, 1000 College Street, Silver City, New Mexico; and Bisbee High School Auditorium, School Terrace Road (south of Highway 92), Bisbee, Arizona. Written comments should be sent to the Field Supervisor, U.S. Fish and Wildlife Service, 2321 W. Royal Palm Road, Suite 103, Phoenix, Arizona 85021. Comments and materials received will be available for public inspection, by appointment, during normal business hours at the above Fish and Wildlife Service address.

**FOR FURTHER INFORMATION CONTACT:** Jeffrey A. Humphrey, at the above address (602–640–2720).

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

A proposed rule to list Chiricahua leopard frog (*Rana chiricahuensis*) as threatened pursuant to the Endangered Species Act of 1973, as amended (Act) was published in the **Federal Register** on June 14, 2000 (65 FR 37343). The Chiricahua leopard frog is now absent from many historical localities and numerous mountain ranges, valleys, and drainages within its former range. In areas where it is present, populations are often few, small, and widely scattered. Known threats include habitat alteration, destruction, and fragmentation; predation by nonnative organisms; and disease. Problems associated with small population numbers and size, and adverse effects from water-borne contaminants may also threaten the species.

Concurrently with publication of the proposed rule to list the Chiricahua leopard frog as threatened, we published a proposed special rule under 4(d) of the Act to amend regulations at 50 CFR 17.84. The special rule stated that “incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Endangered Species Act of 1973, as amended (Act), if it results from livestock use of or maintenance activities at livestock tanks located on private or tribal lands.” The intent of the special rule was to encourage continued conservation of Chiricahua leopard frog habitat in livestock tanks on all non-Federal lands, rather than limiting the conservation incentive to just private and tribal lands.

Incidental take of Chiricahua leopard frogs during operations and maintenance of livestock tanks on Federal lands will be reviewed under the section 7 consultation process.

##### **Clarification of Special Rule**

3. We propose to amend 50 CFR 17.84 by adding paragraphs to read as follows:

##### **§ 17.84 Special rules-vertebrates**

\* \* \* \* \*

(1) What species are covered by this special rule?

(i) Chiricahua leopard frog (*Rana chiricahuensis*).

(2) What activities are prohibited?

(i) Except as noted in paragraph (3) of this section, all prohibitions of § 17.31 will apply to the Chiricahua leopard frog.

(3) What activities are allowed on non-Federal land?

(i) Incidental take of the Chiricahua leopard frog will not be considered a violation of section 9 of the Endangered Species Act of 1973, as amended (Act), if it results from livestock use of, or maintenance activities at, livestock tanks located on any non-Federal lands. A livestock tank is defined as an existing or future impoundment in an ephemeral drainage or upland site constructed primarily as a watering site for livestock.

#### Comments Solicited

Pursuant to 50 CFR 424.16(c)(2), we may extend or reopen a comment period upon finding that there is good cause to do so. Full participation of the affected public in the species listing process, allowing us to consider the best scientific and commercial data available in making a final determination on the proposed action, is deemed as sufficient cause. Additionally, this reopened comment period will allow the public to consider and comment on the clarification of the special rule provided in this notice.

Section 4(b)(5)(E) of the Act, as amended (16 U.S.C. 1531 *et seq.*), requires that a public hearing be held if it is requested within 45 days of the publication of a proposed rule. In response to 11 such requests, we will hold two public hearings (see **DATES** and **ADDRESSES**).

Anyone wishing to make an oral statement for the record is encouraged to provide a written copy of their statement and present it at the start of the hearing. In the event there is a large attendance, the time allotted for oral statements may have to be limited. Oral and written statements receive equal consideration. There are no limits to the length of written comments presented at the hearings or mailed to the Fish and Wildlife Service.

The current comment period on this proposal closes on September 12, 2000. In order to accommodate public hearings, the Service reopened the public comment period. Written comments may now be submitted until October 27, 2000, to our office in the **ADDRESSES** section.

#### Author

The primary author of this notice is James Rorabaugh (see **ADDRESSES**).

#### Authority

The authority for this action is the Endangered Species Act of 1973 (16 U.S.C. 1531-1544).

Dated: September 14, 2000.

**Nancy M. Kaufman,**

*Regional Director, Region 2, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 600

[I.D. 091800]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Exempted Fishing Permits (EFPs)

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

**ACTION:** Notification of a proposal for EFPs to conduct experimental fishing; request for comments.

**SUMMARY:** NMFS announces that the Administrator, Northeast Region, NMFS (Regional Administrator), has made a preliminary determination to issue EFPs to conduct experimental fishing operations otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The New England Aquarium Conservation Department (NEACD) requested an EFP to conduct a Juvenile Lobster Trap Survey in the Gulf of Maine (Juvenile Lobster Trap Survey). This recruitment survey could, if geographically comprehensive, serve as an indicator for stock status and could provide stock size estimates for subsequent years. Regulations under Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notification to provide interested parties the opportunity to comment on the proposed experimental fisheries.

**DATES:** Comments on this notice must be received by October 12, 2000.

**ADDRESSES:** Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the EFP Proposal." Comments may also be sent via facsimile (fax) to (978) 281-9135. Comments will not be accepted if submitted via e-mail or the Internet.

**FOR FURTHER INFORMATION CONTACT:** Bonnie Van Pelt, Fishery Management Specialist, 978-281-9244.

**SUPPLEMENTARY INFORMATION:** The Atlantic States Marine Fisheries Commission has identified the need for regional baseline information on the American lobster (*Homarus americanus*) resource as a priority item in its most recent list of research needs for the lobster fishery. Data on juvenile lobster abundance is critical for effective and pro-active management of this valuable species.

The framework of this survey was developed by the Canadian Department of Fisheries and Oceans Science Branch for its Gulf of St. Lawrence Fisheries Management Region. Its program has been implemented and can be readily adapted to the Gulf of Maine (GOM). Canadian response to this survey has been extremely supportive since this could lead to transboundary sampling projects in the future, where Canadian and U.S. fishermen would conduct a survey throughout the entire GOM.

Existing survey programs, whether they be fishery-dependent or independent, are limited and prevent resource managers from obtaining a holistic view of growth and recruitment throughout the dynamic GOM ecosystem. In addition, the data are housed at various institutions and entered in a variety of formats, impeding accessibility and/or transferability to resource managers or interest groups in the region.

These gaps in data collection were identified at the 1999 U.S./Canadian Lobster Summit III in Rockland, ME, where over 200 fishermen, scientists, and resource managers met to define a strategy to increase the understanding of lobster stock status through enhanced industry involvement. The forum participants agreed that there is a need to improve the current assessment and management process through collaboration between industry and scientists. The recommendations emerging from Lobster Summit III fell into five general categories: (1) Build trust between scientists and the fishing industry, (2) Increase collaboration between scientists and fishermen to improve data collection and the dissemination of information, (3) Expand the scope and breadth of the models used to assess the health of lobster stocks, (4) Identify specific data needs, and (5) Improve management decisions. Expanded industry participation in data collection was considered a cost-effective strategy to implement some of these recommendations.

The proposed Juvenile Lobster Trap Survey is a cooperative effort among the NEACD, Maine Department of Marine Resources, the Massachusetts Division