

believed that critical habitat designation was not prudent.

On March 24, 1999, The Earthjustice Legal Defense Fund, on behalf of the Jumping Frog Research Institute, the Southwest Center for Biological Diversity, and the Center for Sierra Nevada Conservation, filed a lawsuit in the Northern District of California against the U.S. Fish and Wildlife Service and Bruce Babbitt, Secretary of the Department of the Interior (Secretary), for failure to designate critical habitat for the California red-legged frog (*Jumping Frog Research Institute et al. v. Babbitt*).

On December 15, 1999, U.S. District Judge William Alsup ordered us to make a prudency determination by August 31, 2000, and issue a final rule by December 29, 2001. On January 18, 2000, Judge Alsup clarified an error in the December 15, 1999, order stating that the Service shall issue a final rule by March 1, 2001.

On September 11, 2000, we published a proposed rule to designate critical habitat for the California red-legged frog in the **Federal Register** (65 FR 54892). The original comment period closed on October 11, 2000. The comment period for this proposed rule was re-opened and closed on November 20, 2000.

Approximately 2,175,000 hectares (5,373,650 acres) of land fall within the boundaries of the proposed critical habitat designation. Specifically, the aquatic and upland areas where suitable breeding and nonbreeding habitat is interspersed throughout the landscape, and is interconnected by unfragmented dispersal habitat, are the areas proposed as critical habitat. Proposed critical habitat is located in Alameda, Butte, Calaveras, Contra Costa, El Dorado, Fresno, Kern, Los Angeles, Marin, Mariposa, Merced, Monterey, Napa, Plumas, Riverside, San Benito, San Diego, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Sierra, Solano, Sonoma, Stanislaus, Tehama, Tuolumne, Ventura, and Yuba counties, California.

Critical habitat receives protection from destruction or adverse modification through required consultation under section 7 of the Endangered Species Act of 1973, as amended (Act) (16 U.S.C. 1531 *et seq.*) with regard to actions carried out, funded, or authorized by a Federal agency. 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 California red-legged frog, and comments received during the previous comment periods, we have prepared a draft economic analysis of the proposed critical habitat designation. The draft economic analysis is available at the above Internet and mailing address (see **ADDRESSES** section).

#### Public Comments Solicited

We will accept written comments during this re-opened comment period, and comments should be submitted to the Sacramento Fish and Wildlife Office in the **ADDRESSES** section.

If you submit comments by e-mail, please submit them as an ASCII file and avoid the use of special characters and any form of encryption. Please also include "Attn: [RIN number]" 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 Sacramento Fish and Wildlife Office at telephone number 919/414-6600.

#### Public Information Meetings

Two public information meetings have been scheduled. The first meeting will be held on January 3, 2001, from 1:00 p.m. to 4:00 p.m. at the San Luis Obispo Embassy Suites, 333 Madonna Road, San Luis Obispo, California. The second meeting will be held on January 5, 2001, from 1:00 p.m. to 4:00 p.m. at the Best Western Monarch Hotel, 6680 Regional Street, Dublin, California.

#### Author(s)

The primary authors of this notice is Stephanie Brady (see **ADDRESSES** section), and Barbara Behan, U.S. Fish and Wildlife Service, Regional Office, 911 N.E. 11th Avenue, Portland, Oregon 97232.

#### Authority

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

Dated: December 13, 2000.

#### Rowan W. Gould,

Acting Regional Director, Region 1, Fish and Wildlife Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 635

[I.D. 110200D]

#### Atlantic Highly Migratory Species Fisheries; Atlantic Bluefin Tuna Incidental Catch

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

**ACTION:** Reopening of comment period.

**SUMMARY:** NMFS published, on November 17, 2000, an Advance Notice of Public Rulemaking (ANPR) and request for comments. NMFS intends to undertake rulemaking to reduce the level of Atlantic bluefin tuna (BFT) that is discarded dead by vessels in the pelagic longline fishery and requested comments on potential changes to the Atlantic tuna regulations that could reduce the level of dead discards of BFT including the adjustment of target catch requirements for landing incidental catch. The level of allowed discards needs to be reduced in order to decrease the waste of valuable bycatch. The comment period on the ANPR closed on December 14, 2000. NMFS is reopening the comment period to provide additional opportunity for comment.

**DATES:** Written comments on the ANPR must be received on or before January 16, 2001.

**ADDRESSES:** Written comments should be addressed to Christopher Rogers, Acting Chief, Highly Migratory Species Management Division (F/SF1), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Brad McHale or Pat Scida, 978-281-9260.

**SUPPLEMENTARY INFORMATION:** A complete description of the measures and the purpose and need for the proposed action is contained in the ANPR, published November 17, 2000 (65 FR 69492) and is not repeated here. Copies of the ANPR may be obtained by calling (see **FOR FURTHER INFORMATION CONTACT**).

NMFS requests comments on possible changes to the BFT landings allowances as outlined above or on alternative means of reducing dead discards of BFT in the pelagic longline fisheries. Comments received by the due date will be considered in drafting any proposed changes to the Atlantic tuna regulations.

**Authority:** 16 U.S.C. 971 *et seq.*, and 16 U.S.C. 1801 *et seq.*

Dated: December 15, 2000.

**William T. Hogarth,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 660

[I.D. 120600B]

RIN 0648-AO64

#### Fisheries Off West Coast States and in the Western Pacific; Coastal Pelagic Species Fishery; Amendment 9

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

**ACTION:** Notice of availability of an amendment to a fishery management plan; request for comments.

**SUMMARY:** NMFS announces that the Pacific Fishery Management Council (Council) has submitted Amendment 9 to the Coastal Pelagic Species Fishery Management Plan (FMP) for Secretarial review. The amendment was prepared to document bycatch in the coastal pelagic species fishery (CPS), ensure that a standardized reporting methodology to assess the amount and type of bycatch exists, and propose any necessary conservation and management measures to minimize bycatch. Amendment 9 also ensures that Indian fishing rights will be met according to treaties between the U.S. and specific tribes.

**DATES:** Comments on Amendment 9 must be received on or before February 20, 2001.

**ADDRESSES:** Comments on Amendment 9 should be sent to Dr. Rebecca Lent, Administrator, Southwest Region, NMFS, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802.

Copies of Amendment 9, which includes an Environmental Assessment/Regulatory Impact Review, are available from Donald O. McIssac, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR, 97201.

**FOR FURTHER INFORMATION CONTACT:** James Morgan, Sustainable Fisheries Division, NMFS, at 562-980-4036 or Daniel Waldeck, Pacific Fishery Management Council, at 503-326-6352.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any new FMP or FMP amendment to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving an FMP or FMP amendment, immediately publish a notification in the **Federal Register** that the FMP or amendment is available for public review and comment. At the end of the comment period, NMFS considers the public comments received during the comment period and determines whether to approve, disapprove, or partially approve the FMP or FMP amendment.

The 1996 Sustainable Fisheries Act requires FMPs prepared by any council, or the Secretary of Commerce, with respect to any fishery to establish a standardized reporting methodology to assess the amount and type of bycatch

occurring in the fishery, and include conservation and management measures, that to the extent practicable and in the following priority minimize bycatch; and minimize the mortality of bycatch that cannot be avoided. The Council sought to address the Magnuson-Stevens Act bycatch requirement in Amendment 8. However, NMFS disapproved the bycatch provisions in Amendment 8. Therefore, Amendment 9 was prepared by the Council to document bycatch in the CPS fishery, ensure that a standardized reporting methodology to assess the amount and type of bycatch exists, and propose any necessary conservation and management measures to minimize bycatch.

Amendment 9 would also establish a framework process similar to that used in the Pacific coast groundfish fishery to allocate CPS to Indian tribes according to the requirements of U.S. treaties should such allocations become necessary.

Public comments on Amendment 9 must be received by February 20, 2001, to be considered by NMFS in the decision whether to approve, disapprove, or partially approve Amendment 9. A proposed rule to implement Amendment 9 has been submitted for Secretarial review and approval. NMFS expects to publish and request public comment on the proposed regulation to implement Amendment 9 in the near future.

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

Dated: December 15, 2000.

**Clarence Pautzke,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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