

by water diversion and groundwater mining; stream channelization; and introduction of non-native species (63 FR 64772). On June 30, 2000, we proposed in the **Federal Register** approximately 1,866 kilometers (1,160 miles) of rivers and 91.4 meters (300 feet) of their adjacent riparian zones as critical habitat for the ARS (65 FR 40576). The proposal includes portions of the Arkansas River in Kansas, the Cimarron River in Kansas and Oklahoma, the Beaver/North Canadian River in Oklahoma, and the Canadian/South Canadian River in New Mexico, Texas, and Oklahoma.

Section 4(b)(2) of the Act requires that we designate or revise critical habitat based upon the best scientific and commercial data available and after taking into consideration the economic impact, and any other relevant impact, of specifying any particular area as critical habitat. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area as critical habitat, provided such exclusion will not result in the extinction of the species. Consequently, we have prepared a draft economic analysis concerning the proposed critical habitat designation, which is available for review and comment at the above Internet and mailing addresses.

Public Comments Solicited

We solicit comments on the draft economic analysis described in this notice, as well as any other aspect of the proposed designation of critical habitat for the Arkansas River basin population of the Arkansas River shiner. Our final determination on the proposed critical habitat will take into consideration comments and any additional information received by the date specified above. All previous comments and information submitted during the comment period need not be resubmitted. The comment period is extended to October 16, 2000. Written comments may be submitted to the Field Supervisor at the above address.

Author

The primary author of this notice is Ken Collins, U.S. Fish and Wildlife Service (see **ADDRESSES**).

Authority

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

Dated: August 3, 2000.

Renne Lohofener,

Regional Director, Region 2, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 224

[I.D. 102599C]

Extension of Comment Period for Proposed Rule Governing the Approach to Humpback Whales in Alaska

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

ACTION: Proposed rule; extension of public comment period.

SUMMARY: NMFS is extending the public comment period, published in the June 26, 2000 Federal Register, for its Proposed Rule Governing the Approach to Humpback Whales in Alaska from August 10, 2000, to October 15, 2000.

DATES: Written comments on the above-mentioned proposed rule must be received no later than 5 p.m. Pacific standard time, on October 15, 2000.

ADDRESSES: Written comments on the proposed rule should be sent to Mike Payne, Assistant Regional Administrator, Protected Resources Division, NMFS, Alaska Region, P.O. Box 21668, Juneau, Alaska 99802-1668. Comments also may be sent via

facsimile (fax) to 907/586-7012.

Comments will not be accepted if sent via e-mail or the Internet. Courier or hand delivery of comments may be made to NMFS in the Federal Building, Room 461, Juneau, AK 99801.

FOR FURTHER INFORMATION CONTACT: Kaja Brix, NMFS Alaska Region, 907/586-7235, or Jeannie Drevenak, Permits Division, NMFS Office of Protected Resources, 301/713-2289.

SUPPLEMENTARY INFORMATION: The Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.* and the Marine Mammal Protection Act 16 U.S.C. 1361 *et seq.* (MMPA), give NMFS jurisdiction over humpback whales. The proposed regulations are promulgated under the authority of both the ESA and the MMPA. The rule is an appropriate mechanism to promote conservation and recovery of humpback whales and to enhance enforcement under the ESA. Section 11(f) of the ESA provides NMFS with broad rulemaking authority to enforce the provisions of the ESA.

On June 26, 2000 (65 FR 39336), NMFS issued a proposed rule under 50 CFR part 224 of the ESA that would prohibit the approach within 200 yards (182.8 m) of a humpback whales, *Megaptera novaeangliae*, in waters within 200 nautical miles (370.4 km) of the coast of Alaska. Under these regulations, it would be unlawful for a person subject to the jurisdiction of the United States to approach, by any means, within 200 yards (182.8 m) of a humpback whales. This action is necessary to minimize disturbance to humpback whales in waters off Alaska and is intended to promote conservation and recovery of humpback whales. In response to public request, NMFS is extending the comment period for this proposed rule from August 10, 2000, to October 15, 2000, to facilitate public participation in this regulatory process.

Dated: August 9, 2000.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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