

93-730 HB, (D.N.M. 1994), *aff'd* by 75 F.3d 1429 (10th Cir. 1996)). The critical habitat designated for these two species occurred also in Arizona which is in the Ninth Circuit where NEPA is not required for critical habitat designations; however, in 1996 the United States District Court for the District of Arizona acknowledged that the set aside in the *Catron County* case also applied in Arizona. (*Southwest Center for Biological Diversity v. Rogers*, CV 96-018-TUC-JMR (D. Ariz. 1996)).

The Service designated critical habitat for the Mexican spotted owl on June 6, 1995 (60 FR 29914). On March 4, 1997, the United States District Court for the District of New Mexico set aside that critical habitat designation, again for the Service's failure to complete the NEPA process (*Coalition of Arizona/New Mexico Counties for Stable Economic Growth v. U.S. Fish and Wildlife Service*, CIV No. 95-1285-M (D.N.M. 1997)).

Pursuant to the decisions of the New Mexico District Courts, the Service, by publication of this revocation, removes critical habitat for the loach minnow, spikedace, and Mexican spotted owl from the List of Endangered and Threatened Wildlife (17.11) and from the Code of Federal Regulations at 50 CFR 17.95(b) (Mexican spotted owl) and 17.95(e) (loach minnow and spikedace). Further, this revocation gives notice to Federal agencies and interested individuals that the Service will no longer consider critical habitat for the three species for the purpose of conducting section 7 consultation.

Pursuant to 5 U.S.C. 553(d), the requirement for a 30-day delay in the effective date following publication of this revocation is waived. Because critical habitat for these species has been set aside by the United States District Court for the District of New Mexico, the Service believes there is good cause to issue this rule effective immediately.

Required Determinations

This revocation does not contain collections of information that require approval by the Office of Management and Budget under 44 U.S.C. 3501 *et seq.*

References Cited

A complete list of all references cited herein is available upon request from the U.S. Fish and Wildlife Service, Division of Ecological Services (see ADDRESSES section).

Author: The author of this document is Steven L. Spangle, Division of Ecological Services (see ADDRESSES section).

List of Subjects in 50 CFR Part 17

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

Regulation Promulgation

Accordingly, the Service hereby amends part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—[AMENDED]

1. The authority citation for part 17 continues to read as follows:

Authority: 16 U.S.C. 1361-1407; 16 U.S.C. 1531-1544; 16 U.S.C. 4201-4245; Pub. L. 99-625, 100 Stat. 3500, unless otherwise noted.

§ 17.11 [Amended]

2. Amend section 17.11(h) by revising the "Critical Habitat" column in the table entry for "Owl, Mexican spotted" under BIRDS to read "NA."

3. Amend section 17.11(h) by revising the "Critical Habitat" column in the table entry for "Minnow, loach" under FISHES to read "NA."

4. Amend section 17.11(h) by revising the "Critical Habitat" column in the table entry for "Spikedace" under FISHES to read "NA."

§ 17.95 [Amended]

5. Amend section 17.95(b) by removing critical habitat maps and associated text for the "Mexican Spotted Owl."

6. Amend section 17.95(e) by removing critical habitat maps and associated text for the "Loach Minnow."

7. Amend section 17.95(e) by removing critical habitat maps and associated text for the "Spikedace."

Dated: March 18, 1998.

Daniel M. Ashe,

Acting Director, Fish and Wildlife Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[I.D. 031398C]

Fisheries of the Exclusive Economic Zone off Alaska; Community Development Quota Program

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

ACTION: Approval of the Community Development Plans for Pacific halibut,

fixed gear sablefish, and crab for the years 1998-2000.

SUMMARY: NMFS announces the approval of recommendations made by the State of Alaska (State) for the 1998-2000 halibut, fixed gear sablefish, and crab Community Development Plans (CDPs) under the Western Alaska Community Development Quota (CDQ) Program. This action announces the decision by NMFS to approve the State's recommended CDPs, including the percentage allocations of the halibut, fixed gear sablefish, and crab CDQ reserves to each CDP, and the availability of findings underlying NMFS's decision. This action is intended to further the goals and objectives of the Magnuson-Stevens Fishery Conservation and Management Act.

DATES: Approval of the CDPs is effective March 23, 1998.

ADDRESSES: Copies of the findings made by NMFS in approving the State's recommendations may be obtained from the Alaska Region, National Marine Fisheries Service, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

FOR FURTHER INFORMATION CONTACT: Sally Bibb, 907-586-7228.

SUPPLEMENTARY INFORMATION:

Background

The CDQ Program for Pacific halibut and fixed gear sablefish was developed by the North Pacific Fishery Management Council (Council) and implemented by NMFS under regulations at subpart C of 50 CFR part 679. The Crab CDQ Program was developed by the Council as part of Amendment 5 to the Fishery Management Plan (FMP) for the Commercial King and Tanner Crab Fisheries in the Bering Sea and Aleutian Islands Area which was approved by NMFS on September 12, 1997. Regulations implementing the crab CDQ reserves were published by NMFS in the **Federal Register** on February 19, 1998 (63 FR 8356).

Eligible western Alaska communities submitted six proposed CDPs to the State under § 679.30. The CDPs included requests for allocations of the available Pacific halibut, sablefish, and crab CDQ reserves established at § 679.31. The State conducted a public hearing on September 9, 1997, in Anchorage, AK, during which all interested persons had an opportunity to be heard. The hearing covered the substance and content of the proposed CDPs in such a manner that the general public, and particularly the affected parties, had a reasonable opportunity to

understand the impact of each proposed CDP. The State made available for public review all State of Alaska materials pertinent to the hearing at the time the hearing was announced. The public hearing held by the State satisfied the requirements of § 679.30(a)(2).

The State consulted the Council concerning the proposed CDPs during the Council's September 1997 meeting. The Council reviewed copies of the CDP

executive summaries, summary sheets, and the State's recommended allocations, and concurred with the State's recommendations.

The State sent its recommendations for approval of the proposed CDPs to NMFS on February 20, 1998. NMFS has determined that the State's recommendations for approval of proposed CDPs are consistent with the community eligibility conditions and evaluation criteria and other applicable

provisions of the Federal regulations governing the CDQ Program.

As required by § 679.30(c)(1)(iii), NMFS publishes this notice of approval of the State's recommendations, including the CDQ allocated to each CDP (see following table), and announces the availability of the findings by the Secretary of Commerce regarding this decision (see ADDRESSES).

TABLE—STATE OF ALASKA 1998–2000 HALIBUT, FIXED GEAR SABLEFISH, AND CRAB COMMUNITY DEVELOPMENT QUOTA ALLOCATION RECOMMENDATIONS

CDQ allocation	Community development quota group					
	APICDA ¹ (percent)	BBEDC ² (percent)	CBSFA ³ (percent)	CVRF (percent)	NSEDC ⁴ (percent)	YDFDA ⁵ (percent)
Halibut:						
Area 4B	100	0	0	0	0	0
Area 4C	10	0	90	0	0	0
Area 4D	0	23	0	24	26	27
Area 4E	0	30	0	70	0	0
Fixed Gear Sablefish:						
Aleutian Islands	15	20	0	30	20	15
Bering Sea	15	22	18	0	20	25
Crab:						
Bristol Bay Red King Crab	20	20	0	20	20	20
Norton Sound Red King Crab	0	0	0	0	50	50
Pribilof Red & Blue King Crab	0	0	100	0	0	0
St. Matthew Blue King Crab	50	12	0	12	14	12
Bering Sea C. opilio crab	10	19	19	17	18	17
Bering Sea c. bairdi crab	10	19	19	17	18	17

¹ APICDA = Aleutian Pribilof Island Community Development Association.
² BBEDC = Bristol Bay Economic Development Corporation.
³ CBSFA = Central Bering Sea Fishermen's Association.
⁴ NSEDC = Norton Sound Economic Development Corporation.
⁵ YDFDA = Yukon Delta Fisheries Development Association.

CDQ fishing for halibut and fixed gear sablefish is authorized beginning March 15, 1998, under § 679.23 and CDQ fishing for crab is authorized beginning

March 23, 1998 (the effective date of the final rule implementing the crab CDQ reserves).

Dated: March 20, 1998.

Bruce C. Morehead,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
 [FR Doc. 98-7800 Filed 3-20-98; 4:29 pm]
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