the commissioner is satisfied that the petitioner will comply with this article.

[FR Doc. 85-20635 Filed 8-28-85; 8:45 am]

BILLING CODE 4310-05-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD2 85-39]

Special Local Regulations; Charleston Sternwheel Regatta

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Mile 58.0 to 61.0, Kanawha River. The "Charleston Sternwheel Regatta", an approved marine event, will be held on August 31 thru September 1, 1985, at Charleston, West Virginia. These special local regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATES: These regulations will be effective from 11:00 a.m. on August 31, and terminate at 10:30 p.m. on September 1, 1985.

FOR FURTHER INFORMATION CONTACT: LCDR. B.J. Willis, Chief, Boating Technical Branch Second Coast Guard District, 1430 Olive St., St. Louis, MO 63103.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR Part 100.35, for the purpose of promoting the safety of life and property on the Kanawha River between miles 58.0 and 61.0 during the "Charleston Sternwheel Regatta", August 31 and September 1, 1985. This event will consist of rowing races, an innertube race, jet ski competition, canoe races, sky diving, sternwheel races, towboat races, a towboat shoving contest and a fireworks display, which could pose hazards to navigation in the area. Therefore, these special local regulations are deemed necessary for the promotion of safety of life and property in the area during this event. A notice of proposed rule making has not been published for these regulations and they are being made effective less than 60 days from the date of publication. Following normal rule making procedures would have been impracticable. The application for this event was not received until July 5, 1985, and there was insufficient time in which to publish proposed rules in advance of the event, or to provide for a delayed effective date. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaluation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to ensure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulation are BMCM W.L. Giessman, USCGR, project officer, Boating Technical Branch, and LT. R.E. Kilroy, USCG, project attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. In Part 100, a new temporary § 100.35-0239 is added, to read as follows:

§ 100.35-0239 Kanawha River, mile 58.0 through 61.0.

(a) *Regulated Area.* The area between Mile 58.0 and 61.0 Kanawha River is designated the regata area, and may be closed to commercial and recreational navigation or mooring between the hours of 11:00 a.m. on August 31, and 10:30 p.m. on September 1, 1985. All times listed are local time. These times represent a guideline for possible intermittent river closures not to exceed Four (4) hours in duration. Marines will be afforded enough time between such closure periods to transit the area in a timely manner.

(b) *Special Local Regulations.* The Coast Guard will maintain a patrol consisting of regular and auxiliary Coast Guard vessels in the regatta area. This patrol will be under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander". Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(c) The Patrol Commander may direct the anchoring, mooring or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall serve as a signal to stop. Vessels so signalled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in expulsion from the area, citation for failure to comply, or both.

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This § 100.35-0239 will be effective from 11:00 a.m. on August 31, and terminate at 10:30 p.m. on September 1, 1985. (local time).

Dated: August 16, 1985.

R.J. Collins,

Captain, U.S. Coast Guard Acting Commander, Second Coast Guard District.

[FR Doc. 85-20666 Filed 8-28-85; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD2 85-42]

Special Local Regulations; Lawrenceville Community Day Festival

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for Mile 3.0 to 4.0,

Allegheny River. The "Lawrenceville Community Day Festival", an approved marine event, will be held on August 31, 1985, at Pittsburgh, Pennsylvania. These special local regulations are needed to provide for the safety of life and property on navigable waters during the event.

EFFECTIVE DATES: These regulations will be effective from 1:00 p.m. on August 31, and terminate at 5:00 p.m. on August 31, 1985. All times listed are local time.

FOR FURTHER INFORMATION CONTACT: LCDR. B.J. Willis, Chief, Boating Technical Branch, Second Coast Guard District, 1430 Olive St., St. Louis, MO 63103.

SUPPLEMENTARY INFORMATION: These special local regulations are issued pursuant to 33 U.S.C. 1233 and 33 CFR 100.35, for the purpose of promoting the safety of life and property on the Allegheny River between miles 3.0 and 4.0 during the "Lawrenceville Community Day Festival", August 31, 1985. This event will consist of pleasure boat races, which could pose hazards to navigation in the area. Therefore, these special local regulations are deemed necessary for the promotion of safety of life and property in the area during this event. A notice of proposed rule making has not been published for these regulations and they are being made effective less than 60 days from the date of publication. Following normal rule making procedures would have been impracticable. The application for this event was not received until August 5, 1985, and there was insufficient time in which to publish proposed rules in advance of the event, or to provide for a delayed effective date. These regulations have been reviewed under the provisions of Executive Order 12291 and have been determined not to be a major rule. This conclusion follows from the fact that the duration of the regulated area is short. In addition, these regulations are considered to be nonsignificant in accordance with guidelines set forth in the Policies and Procedures for Simplification, Analysis, and Review of Regulations (DOT Order 2100.5 of 5-22-80). An economic evaulation has not been conducted since, for the reasons discussed above, its impact is expected to be minimal. In accordance with the Regulatory Flexibility Act (5 U.S.C. 601 et seq.), it is also certified that these rules will not have a significant economic impact on a substantial number of small entities. This rule is necessary to ensure the protection of life and property in the area during the event.

Drafting Information

The drafters of this regulation are BMCM W.L. Giessman, USCGR, project officer, Boating Technical Branch, and LT. R.E. Kilroy, USCG, project attorney, Second Coast Guard District Legal Office.

List of Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

Regulations

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

PART 100—[AMENDED]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46 and 33 CFR 100.35.

2. In part 100, a new temporary § 100.35-0242 is added, to read as follows:

§ 100.35-0242, Allegheny River, mile 3.0 through 4.0.

(a) *Regulated Area.* The area between Mile 3.0 and 4.0 Allegheny River is designated the regatta area, and may be closed to commercial and recreational navigation or mooring between the hours of 1:00 p.m. and 5:00 p.m. on August 31, 1985. All times listed are local time. These times represent a guideline for possible intermittent river closures not to exceed three (3) hours in duration. Mariners will be afforded enough time between such closure periods to transit the area in a timely manner.

(b) *Special Local Regulations.* The Coast Guard will maintain a patrol consisting of regular and auxiliary Coast Guard vessels in the regatta area. This patrol will be under the direction of a designated Coast Guard Patrol Commander. The Patrol Commander may be contacted on Channel 16 (156.8 MHZ) by the call sign "Coast Guard Patrol Commander". Vessels desiring to transit the regulated area may do so only with prior approval of the Patrol Commander and when so directed by that officer. Vessels will be operated at a no wake speed to reduce the wake to a minimum and in a manner which will not endanger participants in the event or any other craft. The rules contained in the above two sentences shall not apply to participants in the event or vessels of the patrol operating in the performance of their assigned duties.

(c) The Patrol Commander may direct the anchoring, mooring or movement of any boat or vessel within the regatta area. A succession of sharp, short signals by whistle or horn from vessels patrolling the area under the direction of the U.S. Coast Guard Patrol Commander shall service as a signal to stop. Vessels so signalled shall stop and shall comply with the orders of the Patrol Vessel. Failure to do so may result in explusion from the area, citation for failure to comply, or both.

(d) The Patrol Commander may establish vessel size and speed limitations and operating conditions.

(e) The Patrol Commander may restrict vessel operation within the regatta area to vessels having particular operating characteristics.

(f) The Patrol Commander may terminate the marine event or the operation of any vessel at any time it is deemed necessary for the protection of life and property.

(g) This § 100.35-0242 will be effective from 1:00 p.m. on August 31, and terminate at 5:00 p.m. on August 31, 1985. (local time.)

Dated: August 16, 1985.

R.J. Collins,

Captain, U.S. Coast Guard, Acting Commander, Second Coast Guard District.

[FR Doc. 85-20667 Filed 8-28-85; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Modification of the Special Regulations for the Grizzly Bear

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Emergency rule.

SUMMARY: The Service issues an emergency rule modifying the special regulations that allow hunting of the threatened grizzly bear in northwestern Montana. This rule is applicable only to the 1985 hunting season, but the Service intends to issue new permanent regulations that will cover subsequent seasons. Available data indicate that grizzly bears in certain areas are declining and should not be hunted, but that increasing grizzly numbers in other areas are leading to bear-human interactions that pose a risk to the grizzly population in those areas. Therefore, an adjustment of hunting area boundaries and quotas is required for conservation purposes. For 1985, grizzly hunting in northwestern Montana will cease altogether once the total number of bears killed outside of Glacier National Park, from all causes.

reaches 15, or once the number of female grizzlies killed reaches 6.

DATES: This emergency rule is effective on August 29, 1985, and expires on April 28, 1986.

ADDRESSES: The complete file for this rule is available for inspection, by appointment, during normal business hours at the Service's Region 6 office, 134 Union Boulevard, Fourth Floor, Lakewood, Colorado 80225.

FOR FURTHER INFORMATION CONTACT: Mr. Galen Buterbaugh, Regional Director, U.S. Fish and Wildlife Service, 134 Union Boulevard, P.O. Box 25486, DFC, Denver, Colorado 80225 (303/236-7920 or FTS 776-7920).

SUPPLEMENTARY INFORMATION: The grizzly bear (*Ursus arctos*) originally occurred throughout western North America, from Alaska to central Mexico. Its populations in the conterminous United States are now apparently restricted to northeastern Washington, northern and eastern Idaho, western Montana, and northwestern Wyoming. Fewer than 1,000 individuals are thought to survive in these areas, most of them in northwestern Montana. In the **Federal Register** of July 28, 1975, (40 FR 31734-31736), the Service determined threatened status for the grizzly in the conterminous U.S., pursuant to the Endangered Species Act of 1973. Simultaneously, special regulations were issued, which, among other things, provided for hunting of the grizzly in the Flathead National Forest, the Bob Marshall Wilderness Area, and the Mission Mountains Primitive Area (now Mission Mountains Wilderness Area) of northwestern Montana. Such hunting was to cease, once the number of grizzly bears killed throughout northwestern Montana during any one year, from all causes, reached 25. Subsequently, the known grizzly kill in this area has averaged 20 per year, including an average annual hunting kill of 10.6. Prior to 1975, the average annual grizzly mortality was 28 (Montana Department of Fish, Wildlife and Parks 1985).

The largest grizzly population in northwestern Montana, and in the conterminous United States, is that of the Northern Continental Divide Ecosystem (NCDE). This ecosystem comprises Glacier National Park; the Flathead and adjoining portions of the Helena, Kootenai, Lewis and Clark, and Lolo National Forests (including the Bob Marshall, Great Bear, Mission Mountains, and Scapegoat Wilderness Areas); and some adjacent Bureau of Land Management, State, private, and Indian reservation lands. Based on a number of recent studies, the Montana Department of Fish, Wildlife and Parks (1985) has estimated the grizzly population of the NCDE to contain 580 individuals, of which 387 are found outside of Glacier National Park. The Service is using this estimate in the formulation of this rule. In the remainder of northwestern Montana, there may be no more than a dozen individual bears.

The status of the grizzly varies from place to place within the NCDE. Studies undertaken in various parts of the NCDE indicate that the number of grizzlies is stable or increasing in some areas, but is decreasing in others (Aune and Stivers 1982, Aune *et al.* 1984, Claar 1985, Mace and Jonkel 1980, Martinka 1974, McClellan 1984, Servheen 1981). In particular, the studies indicate that numbers in the Mission Mountains are currently declining. It is thus evident that the original special regulations, which provided for grizzly bear hunting in most of the NCDE and a total kill of 25 bears throughout northwestern Montana, need to be revised in order to ensure the conservation of the species in all areas where it occurs.

A different situation exists along the Rocky Mountain front in the eastern part of the NCDE. The 1975 special regulations did not provide for hunting in the east front area beyond the boundaries of the Flathead National Forest and the Bob Marshall Wilderness Area. More grizzlies are now evident in some places along the front, and they are moving down onto private lands. This movement may be attributable to one or a combination of factors, such as climatic change, loss of previously utilized habitat, or an actual increase in the size of the overall bear population and consequent dispersal. In any case, the grizzlies in this area are preying on livestock and destroying property, and are a possible threat to human safety. Such difficulties are leading to confrontations between people and bears that may result in the destruction of the latter. Live-trapping and relocation of bears has met with only limited success. Moreover, the processes of trapping, immobilizing, handling, and relocating (usually by helicopter) pose considerable risks to the bears themselves. In 1985, as of July 23, six grizzlies have been captured in such control measures in the Choteau area of the Rocky Mountain east front; two of these animals died as a result of this action, one was placed in a zoo, and three were released in other parts of the NCDE. Only a single grizzly was removed by control operations in the Choteau area from 1980 to 1984. The 1985 loss represents a new and serious escalation of bear-human conflicts along the east front. Present indications are that such problems will continue to intensify and that currently available control measures are not adequate.

Because of the two different critical situations described above—the decline of the grizzly population in the Mission Mountains and the escalation of bear-human conflicts on the eastern front of the Rocky Mountains—the Service considers that there is an emergency posing a significant risk to the well-being of the grizzly. Section 4(b)(7) of the Act provides for the issuance of regulations in response to such emergencies. Modification of the special regulations dealing with hunting of the grizzly is needed immediately, because the 1985 hunting season will begin in less than a month. There is no time to issue an ordinary proposed rule, allow for the required 60-day public comment period, and then prepare and publish a permanent final rule. An emergency rule is therefore necessary.

In accordance with section 4(d) of the Act, special regulations on threatened species must be "necessary and advisable to provide for the conservation of such species." Section 3(3) defines conservation, essentially, as measures that are beneficial to the species, and contribute to its recovery and ultimate removal from the List of Endangered and Threatened Wildlife. Special regulations for the grizzly bear, therefore, must be beneficial to the species and be aimed at the particular factors that threaten the species.

In its original determination of threatened status for the grizzly, on July 28, 1975, the Service determined that strictly controlled hunting would be a necessary element for the conservation program for the grizzly. The Service continues to hold that regulated hunting is necessary and advisable for the conservation of the grizzly in northwestern Montana, and considers that such hunting should now be applicable in portions of the Rocky Mountain east front. Such hunting would tend to eliminate those bears that are unwary of humans and thus most likely to come into conflict with people. It would also help to cause remaining bears to be more fearful of people. This last point is supported by the studies of Elgmork (1978) and Mysterud (1977), who provided evidence that brown bear populations, long-exposed to human exploitation, did exhibit wariness, and by the work of Herrero (1985), who reported that bear-human confrontations are associated more frequently with unhunted, rather than hunted, bear populations. To help reduce the further escalation of problems on the east front, and in other areas, sport hunting also should

continue in the Flathead National Forest (except that portion including the Mission Mountains) and the Bob Marshall Wilderness Area, and should be extended into the adjoining Scapegoat Wilderness Area.

The Montana Department of Fish, Wildlife and Parks (1985), in developing its proposed levels of hunting, and female quotas, reviewed data from several studies and determined that the average annual human-induced mortality allowable to maintain a stable population was 7.5 percent. However, in order to achieve recovery of the bear in the NCDE, the conservation program must be geared toward establishing increasing populations instead of just maintaining stability. For the fall of 1985, hunting of the grizzly in the designated parts of the NCDE will cease once 15 grizzly bears have been killed during calendar year 1985, from all causes, in all of northwestern Montana, exclusive of Glacier National Park. This figure is based on the judgment that with an estimated 387 grizzlies in the NCDE, outside of Glacier National Park, an annual human-induced mortality of 6 percent can occur and the population can still experience a general increase in numbers. Six percent of 387 is approximately 23 bears, but it is also estimated, based on recovery of dead radio-collared grizzlies, that there is an estimated illegal kill of 8 bears each year in the NCDE (Montana Department of Fish, Wildlife and Parks 1985). Therefore, the allowable known kill in the area is 15.

The 15 bears that may be killed during calendar year 1985 will include not more than 6 females. This figure is based on records indicating that annual mortality from hunting, from 1967 to 1984, averaged 40 percent female, and the presumption that a greater rate of female mortality would be damaging to a grizzly population (Montana Department of Fish, Wildlife and Parks 1985). In addition, no more than 2 females may be killed in any one of the following areas: (1) The Flathead National Forest outside of the Bob Marshall Wilderness Area, (2) the Bob Marshall and Scapegoat Wilderness Areas, and (3) the remaining portion of the NCDE that is open to hunting. If 2 females are killed during calendar year 1985 in any one of these areas, all grizzly hunting will be prohibited in that area for the remainder of the year. There will be no hunting of grizzlies accompanied by young in any part of northwestern Montana, because such grizzlies would in all likelihood be females.

The portion of northwestern Montana that will be open to hunting during the fall 1985 season is being adjusted to account for the problems discussed above. If not contrary to State laws and regulations, and if the quotas described above have not been reached, grizzly hunting will be allowed in the Flathead National Forest, except for the portion west of State Highway 83 (which includes the Mission Mountains); in the Bob Marshall and Scapegoat Wilderness Areas; and in an additional area of Rocky Mountain east front, which includes a portion of the Lewis and Clark National Forest and adjacent lands to the east of the Bob Marshall Wilderness Area, to the south of Birch Creek, to the north of Sun River, and to the west of U.S. Highways 89 and 287. There will continue to be no grizzly hunting on the east front to the north of Birch Creek (the Badger-Two Medicine area), and in all other areas not specifically delineated in the regulations.

The limits and areas described above will remain in effect until April 28, 1986 or until new permanent regulations on the grizzly become effective, whichever comes first. If by April 28, 1986, new permanent regulations have not become effective, the original grizzly regulations, as were in effect until August 29, 1985, will again become effective. It is, however, the intent of the Service to coordinate and work closely with the Montana Department of Fish, Wildlife and Parks, and other involved parties, to analyze all available grizzly bear management data, and to subsequently propose and issue new permanent grizzly regulations, before the expiration of this emergency rule.

References

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Claar, J. 1985. Flathead Reservation grizzly bear management. Draft, U.S. Bureau of Indian Affairs.

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Herrero, S. 1985. Bear attacks—their causes and avoidance. Nick Winchester Press, New Century Publishers, Inc., Piscataway, New Jersey, 287 pp.

Mace, R.D. and C. Jonkel. 1980. Ackamina-Kishinena grizzly project. *In* Jonkel, C (ed.), Annual Report 5, Border Grizzly Project, University of Montana, Missoula, pp. 9–48.

Martinka, C. 1974. Population characteristics of grizzly bears in Glacier National Park, Montana. Journal of Mammology 55:21–29.

McClellan, 1984. Population parameters of the Flathead grizzlies. Canadian Border Grizzly Project, 28 pp.

Montana Department of Fish, Wildlife and Parks. 1985. Preliminary draft grizzly bear programmatic environmental impact statement. Helena, 278 pp.

Mysterud, I. 1977. Problems in research management of the brown bear in Norway. Viltrapport 4:19–51.

Servheen, C. 1981. Grizzly Bear ecology and management in the Mission Mountains, Montana. Ph.D. Dissertation, University of Montana, Missoula, 138 pp.

Authors

The primary authors of this rule are Dr. Christopher Servheen, U.S. Fish and Wildlife Service, HS 105D, University of Montana, Missoula, Montana 59812 (406/329–3223); and Jane P. Roybal, U.S. Fish and Wildlife Service, 134 Union Boulevard, Lakewood, Colorado 80225 (303/236–7398 or FTS 776–7398).

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Regulation Promulgation

PART 17—[AMENDED]

Accordingly, until April 28, 1986, Part 17, Subchapter B of Chapter I, title 50 of the Code of Federal Regulations, is amended as set forth below:

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

Authority: Pub. L. 83–205, 87 Stat. 884; Pub. L. 94–359, 90 Stat. 911; Pub. L. 95–632, 92 Stat. 3751; Pub. L. 96–159, 93 Stat. 1225; Pub. L. 97–304, 96 Stat. 1411 (16 U.S.C. 1531 *et seq.*).

2. Section 17.40(b)(1)(i)(E) is revised to read as follows:

§17.40 Special rules—Mammals.

* * * * *

(b)(1)(i) * * *

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(E) *Northwestern Montana.* If it is not contrary to the laws and regulations of the State of Montana, a person may hunt grizzly bears, if such bears are not accompanied by young, in the Flathead National Forest, except that portion of the Forest west of State Highway 83; in the Bob Marshall and Scapegoat Wilderness Areas; and in that portion of the Lewis and Clark National Forest and adjoining lands of the eastern front of the Rocky Mountains with the following boundary: beginning at Badger Pass on the northern boundary of the Bob Marshall Wilderness Area, thence northeastward along a straight line to the head of the North Fork of Birch Creek, thence eastward along said Fork to Swift Dam, thence eastward along

Birch Creek to U.S. Highway 89, thence southward along U.S. Highway 89 to Choteau, thence southward along U.S. Highway 287 to the Sun River, thence westward along the Sun River to the eastern boundary of the Bob Marshall Wilderness Area, thence northward along said boundary to the point of beginning: *Provided*, That if in the calendar year 1985, 15 grizzly bears or 6 female grizzly bears have already been killed, for whatever reason, in that part of Montana, exclusive of Glacier National Park, which is bounded on the north by the United States-Canada Border, on the east by U.S. Highway 91, on the south by U.S. Highway 12, and on the west by the Montana-Idaho State line, the Director of the Montana Department of Fish, Wildlife and Parks shall post and publish a notice prohibiting such hunting, and any such hunting for the remainder of 1985 shall be unlawful: *Provided further*, That if in the calendar year 1985, 2 female grizzly bears have already been killed, for whatever reason, in the Flathead National Forest outside of the Bob Marshall Wilderness Area, or in the Bob Marshall and Scapegoat Wilderness Areas, or in that portion of the Lewis and Clark National Forest and adjoining lands of the eastern front of the Rocky Mountains with a boundary as described above, the Director of the Montana Department of Fish, Wildlife and Parks shall post and publish a notice prohibiting such hunting in the area where the 2 female grizzly bears have been killed, and any such hunting in this area for the remainder of 1985 shall be unlawful: *Provided further*, That any taking of a grizzly bear, for whatever reason, in the above-described portion of Montana shall be reported in writing to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, D.C. 20005, and to the Montana Department of Fish, Wildlife and Parks, within 5 days after the taking occurs, except that any taking on an Indian reservation within the above-described area shall be so reported only to the United States Fish and Wildlife Service, Division of Law Enforcement, P.O. Box 28006, Washington, D.C. 20005.

* * * * *

Dated: August 26, 1985.

William P. Horn,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 85-20769 Filed 8-27-85; 12:02 pm]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 674

[Docket No. 50694-5094]

High Seas Salmon Fishery Off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of opening.

SUMMARY: NOAA issues this notice opening specific parts of the fishery conservation zone (FCZ) off southeast Alaska to commercial fishing for chinook salmon for 39 hours. This action is necessary to allow fishermen in southeast Alaska more time to harvest chinook salmon and complements similar actions taken by the State of Alaska for the salmon fisheries in its waters. The intended effect is to provide fishermen the opportunity to harvest the number of chinook salmon authorized by the Pacific Salmon Treaty.

DATES: This notice is effective at 0001 hours Alaska Daylight Time (ADT), August 25, 1985, through 1500 hours ADT on August 26, 1985. Public comments on this notice are invited until September 26, 1985.

ADDRESS: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 30-day comment period, the data upon which this notice is based will be available for public inspection during business hours (0800 to 1630 ADT Monday through Friday) at the NMFS Alaska Regional Office, Room 453, Federal Building, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Aven M. Andersen (Fishery Management Biologist, NMFS) 907-586-7229.

SUPPLEMENTARY INFORMATION: Salmon fishing in the FCZ off Alaska is managed under the Fishery Management Plan for the High Seas Salmon Fishery off the Coast of Alaska East of 175° East Longitude (FMP). This FMP was developed and amended by the North Pacific Fishery Management Council (Council) and is implemented by NOAA through regulations appearing at 50 CFR Part 674.

On July 23, 1985, the Secretary of Commerce (Secretary) closed the chinook salmon fishery in the FCZ off Alaska because statistics on the actual harvests of chinook salmon and forecasts of future catches indicated that the limit of 263,000 chinook salmon set by the U.S.-Canada Pacific salmon treaty would be reached (50 FR 30427, July 26, 1985). The notice closing the chinook fishery stated that if the actual total harvest fell short of 263,000, then the troll fishery would be reopened to harvest the remainder.

As of August 20, 1985, the estimated chinook salmon harvest in southeast Alaska by all fisheries amounted to 253,000. Of this total, the troll fishery harvested about 200,000; the seine fishery, 20,000; the gillnet fishery, 11,000; and the sport fishery, 22,000. Thus, the harvest to date falls short of the limit set by the treaty by approximately 10,000 chinook salmon.

In May 1985, the Alaska Board of Fisheries (Board) set guidelines for the harvests of chinook salmon by the various southeast Alaska fisheries. These guidelines were rough goals, not fixed quotas. The Board suggested that the treaty limit of 263,000 chinook salmon should be divided so that the gillent fisheries could harvest about 10,000; the seine fisheries, 10,000; the sport fisheries, 22,000; and the troll fisheries, 221,000. By August 10, 1985 the seine harvest of chinook of approximately 20,000 was well above the average of recent years and above the guideline suggested by the Board, so the Alaska Department of Fish and Game (ADF&G) issued a rule that the seiners could no longer retain chinook salmon. The gillnet fishery and the sport fishery have harvested close to the guidelines set by the Board; only the troll catch of about 200,000 was below the harvest guideline. The ADF&G, therefore, decided that the amount of the treaty limit still remaining by August 25, 1985, should go to the troll fishery.

To keep low the incidental catch of undersized chinook salmon, the ADF&G and the Secretary have decided to keep closed the areas that were closed to all salmon fishing on July 23, 1985 (50 FR 30427); for the U.S. FCZ off Alaska, only a small area known as the Outer Fairweather Grounds will be closed.

On August 15, 1985, in conjunction with similar action by the State of Alaska, the Secretary closed the U.S. FCZ off Alaska to all commercial troll salmon fishing for 10 days (50 FR 33346, August 19, 1985). The troll fishery was scheduled to reopen on August 25, 1985 for all salmon species but chinook. Because analyses of the harvests to date reveal that some more chinook may be harvested, this notice allows trollers to resume harvesting chinook as well as the other species.

Based on the number of boats expected to resume fishing and an allowable harvest of less than 10,000