describe the lack of natural reproduction as the most serious concern for the long-term survival of Eagle Lake rainbow trout. Due to passage barriers and habitat degradation in Pine Creek (the only major tributary for spawning), no significant natural reproduction of Eagle Lake rainbow trout has occurred for over 40 years. Though efforts by the Forest Service to improve fish passage and riparian habitat may not be completed for 5 years, these efforts to restore natural spawning in Pine Creek are now underway.

In making a finding as to whether a petition presents substantial commercial and scientific information to indicate the petitioned action may be warranted, the Service must consider whether the petition is accompanied by a detailed narrative justification [50 CFR § 424.14 (b)(2)(ii)]. The regulations require the Service to "consider whether such petition * * * [p]rovides information regarding the status of the species over all or a significant portion of its range' [50 CFR § 424.14 (b)(2)(iii)], including current distributional and threat information. Furthermore, the Service is required to "consider whether such petition * * * [i]s accompanied by appropriate supporting documentation in the form of bibliographic references, reprints of pertinent publications, copies of reports or letters from authorities, and maps" [50 CFR § 424.14 (b)(2)(iv)].

Despite the limited distribution of the Eagle Lake trout, the petition included insufficient information regarding present fish population numbers and trends. In addition, the petition failed to provide substantial threat data concerning projected and ongoing management considerations with respect to the existing popular sport fishery and the stocking program for the trout. The petition also did not address the extent to which threats have been lessened by the significant recovery efforts now underway. More importantly, the future status of the subspecies may improve because of the significant recovery efforts now underway and the ongoing stocking program. Therefore, the Service finds that the petition does not present substantial information indicating that the listing of the Eagle Lake rainbow trout may be warranted.

The Service has reviewed the petition, literature cited in the petition, and other literature and information available in the Service's files. On the basis of the best scientific and commercial information available, the Service finds the petition does not present substantial information indicating that the

petitioned actions may be warranted. The Eagle Lake rainbow trout will remain a species of concern to the Service, and the Service will continue to seek information regarding the status or threats to the subspecies. If additional information becomes available in the future, the Service may reassess the listing priority for this subspecies or the need for listing.

The petitioner also requested that critical habitat be designated and a recovery plan be developed. If the Service decides in the future to propose the fish for listing, the Service will determine whether designation of critical habitat is prudent at the time a species is listed under the Act. Recovery planning efforts begin once a species is listed.

Author

The primary author of this document is Kevin Stubbs, Sacramento Field Office (see ADDRESSES section).

Authority

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

Dated: July 25, 1995.

John G. Rogers,

Director, Fish and Wildlife Service. [FR Doc. 95–19353 Filed 8–4–95; 8:45 am] BILLING CODE 4310–55–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 638

[Docket No. 950725190-5190-10; I.D. 062695A]

RIN 0648-AH71

Coral and Coral Reefs of the Gulf of Mexico; Amendment 3

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

ACTION: Proposed rule.

SUMMARY: NMFS issues this proposed rule to implement Amendment 3 to the Fishery Management Plan for Coral and Coral Reefs of the Gulf of Mexico (FMP). Amendment 3 would prohibit the taking of wild live rock in the exclusive economic zone (EEZ) of the Gulf of Mexico (Gulf) off Florida north and west of the Levy/Dixie County line; remove the prohibition on taking wild live rock in the EEZ by chipping between the Pasco/Hernando County and Levy/Dixie

County, Florida lines; establish annual quotas for wild live rock harvesting for 1995 and 1996 in the Gulf EEZ; and reduce the amount of substrate that may be taken with allowable octocorals in the Gulf EEZ. The intended effect is to protect the live rock resource and fishery habitat in the Gulf EEZ and to simplify the regulations implementing the FMP.

DATES: Written comments must be received on or before September 18, 1995

ADDRESSES: Comments on the proposed rule must be sent to the Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702

Requests for copies of Amendment 3, which includes a regulatory impact review and an environmental assessment, or for copies of a minority report on Amendment 3 by two Council members, should be sent to the Gulf of Mexico Fishery Management Council, 5401 W. Kennedy Boulevard, Suite 331, Tampa, FL 33609–2486, FAX 813–225–7015.

FOR FURTHER INFORMATION CONTACT: Georgia Cranmore, 813–570–5305.

SUPPLEMENTARY INFORMATION: The FMP was prepared by the Gulf of Mexico Fishery Management Council (Council) and is implemented through regulations at 50 CFR part 638 under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act).

Background

Under Amendment 2 to the FMP, the harvest of wild live rock in the Gulf EEZ off Florida north of Monroe County is being phased out and the taking of wild live rock elsewhere in the Gulf is prohibited. Effective January 1, 1997, all wild live rock harvests are prohibited in the Gulf EEZ. Amendment 2 also established certain restrictions on wild live rock harvesting and possession, required permits and reporting during the phase-out period, and established an aquacultured live rock permit system. The intent of Amendment 2 was to protect an essentially nonrenewable resource and prevent a net loss of fishery habitat. Florida has the only reported live rock landings from the EEZ; live rock harvesting is banned in Florida waters. The final rule to implement Amendment 2 was published December 28, 1994 (59 FR 66776).

During development of Amendment 2, the Council was concerned about the continuing effects of wild live rock harvesting in the northern Gulf, especially the Florida Panhandle area, because live rock is relatively scarce in