Assistant Administrator for Fisheries, National Marine Fisheries Service.

§ 425.4 Enumeration of jointly listed endangered and threatened species.

(a) [Reserved]

(b) Threatened species—A distinct population segment of Atlantic salmon composed of natural and river-specific hatchery populations from the Dennys, Ducktrap, East Machias, Machias, Narraguagus, Pleasant, and Sheepscot rivers, Maine.

Subpart B—[Reserved]

Subpart C—Joint Regulations Governing Jointly Listed Threatened Species

§ 425.21 Atlantic salmon.

The following provisions shall govern the activities involving Atlantic salmon:

(a) *Prohibitions.* (1) Except as provided in paragraph (b) of this section, all provisions of 50 CFR 17.31(a–b) shall apply to the distinct population segment of Atlantic salmon enumerated at 50 CFR 425.4(b). For the purposes of this section, any reference to the "Director" or the Fish and Wildlife Service shall mean "Services" as defined at 50 CFR 425.3(c). Reports required under § 17.21(c)(4) should also be sent to National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930.

(2) Any violation of applicable State fish and wildlife conservation laws or regulations with respect to the taking of the species will also be a violation of the Act.

(3) No person shall possess, sell, deliver, carry, transport, ship, import or export, by any means whatsoever, any such species taken in violation of applicable State fish and wildlife laws or regulations.

(4) No person shall attempt to commit, solicit another to commit, or cause to be committed, any offense defined in paragraphs (a) (1) through (3) of this section.

(b) *Exceptions.* (1) The Services may issue incidental take permits or permits authorizing activities which would otherwise be unlawful under paragraphs (a) (1) through (4) of this section for education purposes, scientific purposes, the enhancement or propagation for survival of Atlantic salmon, zoological exhibition, and other conservation purposes consistent with the Act in accordance with 50 CFR 17.32 and 50 CFR part 222, subpart C, Endangered Fish and Wildlife Permits, and pursuant to a section 6 Cooperative Agreement with the State of Maine, if applicable.

(2) Incidental take of Atlantic salmon will not be considered unlawful under

paragraphs (a) (1) through (4) if it results from activities conducted in accordance with:

(i) A State plan to conserve Atlantic salmon that is approved by the Services pursuant to paragraph (b)(3) of this section, and

(ii) Implementing State regulations specified in paragraph (b)(3)(iii) of this section.

(3) State plan.

(i) Upon receipt of a State plan, the Services will publish a notice of availability and allow for a 60-day comment period.

(ii) In determining whether to approve a State plan to conserve the Atlantic salmon, the Services shall consider public comments received and evaluate whether the plan meets the criteria in § 17.32(b)(2) and 50 CFR Part 222, subpart C, Endangered Fish and Wildlife Permits for determining whether to issue an incidental take permit. At a minimum, the plan should contain the following information:

(A) Description of the legal activities having a potential to incidentally take Atlantic salmon;

(B) Description of the potential impact of these activities to Atlantic salmon;

(C) Provisions for minimizing the potential impact on and for promoting the conservation of Atlantic salmon;

(D) Necessary oversight requirements; and

(E) Conditions or criteria that would trigger the immediate cessation of such activities because of the potential negative impact on Atlantic salmon.

(iii) The Services will not approve the plan until activities which are authorized and activities which are prohibited are codified into the State's fish and wildlife regulations.

(iv) The Services will monitor the implementation of the plan and will conduct annual reviews to assess progress, identify problems, and recommend corrective action. If the Services determine that the plan is not being effectively implemented, the concerns will be discussed with appropriate State officials and the nature and timing of corrective action will be jointly determined. If corrective action is not being implemented within 90 days of such discussions, plan approval and authorization for any exceptions to prohibitions on the taking of Atlantic salmon may be revoked either partially or completely. The Services will publish the findings for such revocation in the Federal Register and provide for a 30-day public comment period prior to revocation.

Dated: September 26, 1995. Nancy Foster, Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service. Dated: September 21, 1995. George T. Frampton, Jr., Assistant Secretary for Fish and Wildlife and Parks. [FR Doc. 95–24319 Filed 9–28–95; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 424

[I.D. 092595A]

Endangered and Threatened Species; Proposed Status for the West Coast Coho Salmon; Public Hearing

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

ACTION: Notice of public hearings.

SUMMARY: NMFS is announcing dates and locations for public hearings concerning the proposed threatened listing of west coast coho salmon (*Oncorhynchus kisutch*) under the Endangered Species Act (ESA). Hearings on the proposed listings will provide the opportunity for the public to give comments and will permit an exchange of information and opinion among interested parties.

DATES: Written comments will be accepted until October 23, 1995. The meetings on the proposed listings will be held in October. See **SUPPLEMENTARY INFORMATION** for the specific dates and times of the hearings.

ADDRESSES: Send written comments to Garth Griffin, Environmental and Technical Services Division, NMFS, 525 NE Oregon Street - Suite 500, Portland, OR 97232-2737. Public hearings on the proposed listings will be held in Oregon, Washington, and California. See **SUPPLEMENTARY INFORMATION** for the specific locations of the hearings.

FOR FURTHER INFORMATION CONTACT: Garth Griffin, 503–231–2005; Craig Wingert, (310) 980–4021; or Marta Nammack, 301–713–1401.

SUPPLEMENTARY INFORMATION: On July 25, 1995, NMFS issued a proposed rule to list three evolutionarily significant units (ESUs) of west coast coho salmon (*Oncorhynchus kisutch*) as threatened under the ESA (60 FR 38011). The three coho salmon ESUs proposed for listing include: (1) Oregon coast, (2) southern