

Due to the newness and potential controversiality of the DAS Leasing Program and its implications, NMFS is extending the comment period through June 10, 2003, on the DAS leasing aspect of the proposed emergency rule only (the comment period on the Settlement Agreement measures remains unchanged and, thus, ends on May 27, 2003). Extension of the comment period on the DAS Leasing Program will allow additional time for the public to comment on this important component of the proposed emergency rule. In order to be compliant with the requirements of the Administrative Procedure Act and to allow for a full 30-day delay in effectiveness of the proposed rule measures, should they be approved, extension of the comment period will require that there be two decisions made by the Assistant Administrator for Fisheries on measures in the proposed rule: One for the continuation of the Settlement Agreement measures, and one for the DAS Leasing Program. This will require two implementing final rules, with

different implementation dates, for each of these aspects of the proposed rule.

A Draft Environmental Assessment (EA) was prepared and noticed for the April 24, 2003, proposed rulemaking. That EA addressed the impacts of both the emergency extension of the Settlement Agreement measures and the added DAS Leasing Program. For the first rulemaking, should it be approved, this EA and the associated Finding of No Significant Impact (FONSI) will be revised to reflect a preferred alternative that includes only the proposed extension of the Settlement Agreement measures, with a later determination that would be made on the DAS Leasing Program suboption. The second rulemaking, should it be approved, would be based on the EA and a second FONSI that would include the DAS Leasing Program suboption and address any comments received on the DAS Leasing Program within the extended comment period. Depending on the nature of the comments, the EA and FONSI could be further revised or amended.

The Settlement Agreement measures currently in place through an interim rule extension (68 FR 2919, January 22, 2003) will expire on July 27, 2003. To avoid a gap in the continuation of the Settlement Agreement measures ordered by the Court, the proposed emergency rule must be effective no later than July 28, 2003.

Also, NMFS inadvertently omitted the docket number in the proposed rule published on April 24, 2003 (68 FR 20096). However, the correction document to the proposed rule published on May 9, 2003 (68 FR 24914) and this extension notification reflect the docket number assigned to this action by the Department of Commerce.

Authority: 16 U.S.C. 1801 *et seq.*

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Regulatory Programs, National Marine
Fisheries Service.*

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