

SUPPLEMENTARY INFORMATION:

Background

Section 4 of the Endangered Species Act (ESA) allows interested persons to petition the Secretary of Commerce or the Secretary of Interior to add, remove or reclassify a species on the List of Endangered and Threatened Wildlife and to designate critical habitat. To the maximum extent practicable, the Secretary must make a finding within 90 days after receiving the petition on whether it presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. A final decision on the petitioned action must be made within one year of receipt of the petition.

Petition Received

On September 19, 1994, NMFS received a petition from the Edwards Manufacturing Company, Inc. to delist the shortnose sturgeon population in the Kennebec River system in Kennebec, Sagadahoc and Lincoln Counties, Maine. In support of their requested action, the petitioners cite research conducted on the Kennebec River system population over the last two decades and an initial population estimate averaging 10,000 adult shortnose sturgeon. Additionally, density data (shortnose sturgeon per hectare) reported from six river populations, including the Kennebec River system, is used to infer that the Kennebec River system is supporting a shortnose sturgeon population near carrying capacity.

Further, the petitioners reference a NMFS 1987 Status Review that states that the Kennebec River shortnose sturgeon population is no longer in danger of extinction and recommends that the population be removed from the list of threatened and endangered species under the ESA. This recommendation was based on the best information available at that time, and considered all of the listing/delisting factors specified in the ESA.

Using the best available information, NMFS will assess the status of the shortnose sturgeon throughout its range, including the Kennebec River system. In making a final determination on whether the petitioned action is warranted, NMFS will consult the shortnose sturgeon recovery team and other sturgeon biology and population dynamics experts and will verify the findings and recommendations contained in this petition and the NMFS 1987 status review.

Information Solicited

To ensure that the review is complete and based on the best available scientific and commercial data, NMFS is soliciting from any interested person information concerning the status of shortnose sturgeon in the Kennebec River system. Data, information and comments should include (1) supporting documentation such as sighting dates and locations (preferably accompanied by maps) and (2) the commentors name, address, and association, institution, or business.

Dated: December 29, 1994.

Ann D. Terbush,

Acting Director, Office of Protected Resources, National Marine Fisheries Service.

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50 CFR Part 678

[Docket No. 941261-4361; I.D. 121494A]

RIN 0648-AF63

Atlantic Shark Fisheries; Quotas

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

ACTION: Proposed rule; request for comments.

SUMMARY: NMFS issues this proposed rule which would establish the semiannual commercial quotas for Atlantic large coastal sharks, and Atlantic pelagic sharks, under the framework provisions of the Fishery Management Plan for Sharks of the Atlantic Ocean (FMP), at 1994 levels. These quotas would apply to permitted vessels for 1995 and, unless adjusted, for future years. This proposed rule is intended to prevent overfishing of shark stocks.

DATES: Written comments on this proposed rule are invited and must be received on or before January 30, 1995.

ADDRESSES: Comments on the proposed rule should be sent to Richard B. Stone, Chief, Highly Migratory Species Management Division, Office of Fisheries Conservation and Management (F/CM), National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. Clearly indicate "Atlantic Shark Comments" on the envelope. Comments may also be sent by FAX to 301-713-0596. Requests for copies of an environmental assessment and regulatory impact review (EA/RIR) should be sent to Richard B. Stone or C. Michael Bailey at the same address.

FOR FURTHER INFORMATION CONTACT: C. Michael Bailey, 301-713-2347, FAX 301-713-0596; Michael E. Justen, 813-570-5305 or Kevin B. Foster, 508-281-9260.

SUPPLEMENTARY INFORMATION: The fishery for Atlantic sharks is managed under the FMP prepared by NMFS under authority of Section 304(f)(3) of the Magnuson Fishery Conservation and Management Act (Magnuson Act), and implemented in April 1993 through regulations found at 50 CFR part 678.

In October and November 1994, NMFS held a series of public scoping meetings to receive comments from fishery participants and other members of the public regarding issues of concern in the Atlantic shark fishery. In addition, NMFS solicited written comments as part of the scoping process, including consideration of adjustments to the quota for Atlantic large coastal and pelagic sharks.

The 1994 Atlantic Large Coastal Shark Fishery

The January-through-June semiannual quota was projected to be reached on May 17 and the fishery was closed; however, the quota was actually underharvested by 33 mt. The quota for July through December was adjusted for the underharvest for a total of 1318 mt. The commercial large coastal shark fishery was closed August 10 based on projected landings, but the quota was underharvested by 657 mt due to bad weather and other factors in the two weeks prior to August 10. The fishery reopened on September 1 to allow the underharvest to be taken and was closed on November 5, 1994.

The 1994 Evaluation of TAC

During preparation of the FMP, NMFS determined that stocks of Atlantic large coastal sharks were below the level required to produce the maximum sustainable yield (MSY). Accordingly, NMFS included a Recovery Plan in the FMP designed to rebuild the resource to the MSY level, with annual total allowable catch (TAC) increasing as the rebuilding program progressed. However, because MSY, stock levels needed to produce MSY, and resource productivity were only uncertain estimates, the FMP calls for an annual evaluation of relevant fishery information including current stock status, current landings, maximum sustainable yield, and information on which to base TAC.

As required by the FMP, an annual shark evaluation workshop (SEW) was held in March 1994 to assess the status of the stocks. The SEW concluded that available information neither supported