

determinations are based solely on the best available scientific and commercial data after taking into account any efforts being made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review is complete and is based on the best available scientific and commercial data, NMFS solicits information and comments concerning the status of Puget Sound populations of Pacific herring, Pacific cod, Pacific hake, walleye pollock, brown rockfish, copper rockfish, and quillback rockfish (see **DATES** and **ADDRESSES**). NMFS specifically requests the following information: (1) Biological or other relevant data that may help identify DPSs of any of these species (e.g., age structure, genetics, migratory patterns, morphology); (2) the range, distribution, and size of these species' populations in Puget Sound and coastal waters of Washington and British Columbia; (3) current or planned activities and their possible impact on this species (e.g., harvest measures and habitat actions); and (4) efforts being made to protect these species in Washington and British Columbia.

NMFS also requests quantitative evaluations describing the quality and extent of estuarine and marine habitats for these species, as well as information on areas that may qualify as critical habitat in Washington. Areas that include the physical and biological features essential to the recovery of the species should be identified. Essential features include, but are not limited, to the following: (1) Habitat for individual and population growth, and for normal behavior; (2) food, water, air, light, minerals, or other nutritional or physiological requirements; (3) cover or shelter; (4) sites for reproduction and rearing of offspring; and (5) habitats that are protected from disturbance or are representative of the historic geographical and ecological distributions of the species.

For areas potentially qualifying as critical habitat, NMFS requests information describing (1) the activities that affect the area or could be affected by the designation and (2) the economic costs and benefits of additional requirements of management measures likely to result from the designation. The economic cost to be considered in the critical habitat designation under the ESA is the probable economic impact "of the [critical habitat] designation upon proposed or ongoing activities" (50 CFR 24.19). NMFS must consider the incremental costs resulting specifically from a critical habitat designation that are above the economic

effects attributable to listing the species. Economic effects attributable to listing include actions resulting from section 7 consultations under the ESA to avoid jeopardy to the species and from the taking prohibitions under section 9 or 4(d) of the ESA. Comments concerning economic impacts should distinguish the costs of listing from the incremental costs that can be directly attributed to the designation of specific areas as critical habitat.

On July 1, 1994, NMFS, jointly with the U.S. Fish and Wildlife Service, published a series of policies regarding listings under the ESA, including a policy for peer review of scientific data (59 FR 34270). The intent of the peer review policy is to ensure that listings are based on the best scientific and commercial data available. NMFS now solicits the names of recognized experts in the field that could take part in the peer review process for this status review. Independent peer reviewers will be selected from the academic and scientific community, tribal and other Native American groups, Federal and state agencies, the private sector, and public interest groups.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 15, 1999.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Services.*

[FR Doc. 99-15721 Filed 6-18-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223 and 224

[Docket No. 990614160-9160-01; I.D. 061199C]

Endangered and Threatened Wildlife and Plants; 90-Day Finding for a Petition to List Barndoor Skate ("*Raja laevis*") as Threatened or Endangered

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

ACTION: Notice of petition finding; request for information and comments.

SUMMARY: NMFS announces a 90-day finding for a petition to add barndoor skate (*Raja laevis*) to the list of threatened and endangered wildlife and to designate critical habitat. NMFS finds that the petition and the information available in NMFS records indicate that the requested action may be warranted. NMFS will conduct a stock assessment

to determine if the petitioned action is warranted. To assure that the review is comprehensive, NMFS is soliciting information and data on this species from any interested party.

DATES: Information and comments on the action must be received by August 20, 1999.

ADDRESSES: Information, comments, or questions on the barndoor skate petition should be submitted to Mary Colligan, NMFS, Protected Species Division, One Blackburn Drive, Gloucester, MA, 01930. The petition and supporting data are available for public inspection, by appointment, Monday through Friday at the address above.

FOR FURTHER INFORMATION CONTACT: Mary Colligan, NMFS Northeast Region, 978/281-9116, or Marta Nammack, NMFS Office of Protected Resources, 301/713-1401.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the Endangered Species Act (16 U.S.C. 1531-1544) requires that the National Marine Fisheries Service (NMFS) make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to indicate that the petitioned action may be warranted. In determining whether substantial information exists for a petition to list a species, NMFS will take into account information submitted with and referenced in the petition and all other information readily available in NMFS files. To the maximum extent practicable, this finding is to be made within 90 days of the receipt of the petition, and the finding is to be published promptly in the Federal Register. If NMFS finds that a petition presents substantial information indicating that the requested action may be warranted, section 4(b)(3)(B) of the ESA requires NMFS to make a finding as to whether or not the petitioned action is warranted within one year of the receipt of the petition.

On March 4, 1999, NMFS received a petition from GreenWorld to list barndoor skate as endangered or threatened and to designate Georges Bank and other appropriate areas as critical habitat. The petitioners also requested that barndoor skate be listed immediately, as an emergency matter. Finally, the petitioner requested that other similarly appearing species of skate also be designated as threatened or endangered so as to insure the protection of the barndoor skate. On April 2, 1999, the NMFS received a second petition from Center for Marine

Conservation (CMC) to list barndoor skate as an endangered species. This second petition is considered by NMFS as a comment on the first petition submitted by GreenWorld.

The petition and comment on the petition referenced a recent paper in the journal *Science*, which presents data on the decline of barndoor skates (Casey and Myers 1998). The petitioner cites bycatch in commercial fishing gear as the major threat to the species' continued existence and also expresses concern over inbreeding depression due to small population size. The petitioner also cites the inadequacy of existing regulatory mechanisms as a threat to the species. The comments submitted by CMC claim that barndoor skate are endangered due to overutilization for commercial purposes and the inadequacy of existing regulatory mechanisms.

On January 15, 1999, NMFS requested information from the public on barndoor skate for possible inclusion on the list of candidate species. Such designation highlights species for which NMFS is concerned may warrant listing under the ESA, but it does not afford those species any regulatory protection.

The barndoor skate is 1 of 7 species of skates that occur off the northeastern coast of the United States. Barndoor skates can reach sizes in excess of 1 meter in length and may not reach maturity until age 10 or older. The historic range of the barndoor skate ranged from Cape Hatteras to the Grand Banks off Newfoundland. Skates are found from near the tide line to depths exceeding 700 m. Members of this family lay eggs that are encased in hard, leathery cases commonly called a mermaid's purse. Incubation time is from 6 to 12 months and the young have the appearance of an adult upon hatching. Skates are not known to undertake large-scale migrations, but they do move seasonally in response to changes in water temperature, generally offshore in summer and early autumn and inshore in the winter and spring. Slow growth and late age at maturity may make skates more susceptible to the effects of fishing. Skates are frequently taken as bycatch during ground fishing operations and discarded. There are currently no regulations governing the harvesting of skates in U.S. waters.

CMC has also requested that the Secretary of Commerce categorize barndoor skate as "overfished" under the Magnuson Stevens Act. In order to fully examine the species' status so that a determination can be made under the ESA and under the Magnuson Stevens Act, NMFS intends to present an assessment of barndoor skate at the 30th

Northeast Regional Stock Assessment Workshop to be held in November 1999. Staff are currently in the process of compiling and analyzing data on barndoor skate in preparation of the assessment materials to be vetted at the Stock Assessment Workshop. U.S. scientists are coordinating these efforts with their Canadian colleagues to ensure that a comprehensive assessment is conducted.

If it is determined that listing the species is warranted, then NMFS will examine the need to designate critical habitat for barndoor skate. At that time, NMFS would consider those physical and biological features that are essential to the conservation of the species and that may require special management or protection. The evaluation conducted by NMFS to determine if barndoor skate warrant listing under the ESA will also consider whether listing on an emergency basis is warranted.

NMFS finds that the petitioner and the comments on the petition have presented substantial information indicating that the requested action may be warranted. This finding is based on the scientific and commercial information contained and referenced in the petition and petition comments, as well as information available to NMFS at this time.

Listing Factors and Basis for Determination

Under Section 4(a)(1) of the ESA, a species can be determined to be endangered or threatened for any of the following reasons: (1) Present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Listing determinations are based on the best scientific and commercial data available after taking into account any efforts being made by any state or foreign nation to protect the species.

Information Solicited

To ensure that the review conducted at the Stock Assessment Workshop is complete and based on the best available scientific and commercial data, NMFS is soliciting information on the species' current and historic distribution and abundance and any information related to the 5 listing factors identified above. NMFS requests that data, information and comments submitted be accompanied by (1) supporting documentation such as

maps, bibliographic reference, or reprints of pertinent publications; and (2) the person's name, address, and any association, institution or business that the person represents. Such information may be submitted to the previously mentioned address.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: June 15, 1999.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Services.*

References Cited:

Casey, Jill M. and Ransom A. Myers. 1998. Near Extinction of a Large, Widely Distributed Fish. *Science*. 281: 690-692. [FR Doc. 99-15724 Filed 6-18-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[I.D. 060899D]

RIN 0648-AG88

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coral Reef Resources of Puerto Rico and the U.S. Virgin Islands; Amendment 1

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

ACTION: Notice of availability of Amendment 1 to the Fishery Management Plan for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands; request for comments.

SUMMARY: NMFS announces that the Caribbean Fishery Management Council (Council) has submitted Amendment 1 to the Fishery Management Plan (FMP) for Corals and Reef Associated Plants and Invertebrates of Puerto Rico and the U.S. Virgin Islands for review, approval, and implementation by NMFS. This amendment would establish a marine conservation district (MCD) of approximately 16 square nautical miles (mi²)(41-km²) in the Exclusive Economic Zone (EEZ) southwest of St. Thomas, U.S. Virgin Islands (USVI), in an area known as "Hind Bank." Fishing and anchoring of fishing vessels would be prohibited within the MCD. The purpose of the MCD is to protect coral reef resources, reef fish stocks, and their habitats.

DATES: Written comments must be received on or before August 20, 1999.