

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]

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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.

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

Requests for copies of Amendment 1, which includes a Final Supplemental Environmental Impact Statement, a Regulatory Impact Review, and an Initial Regulatory Flexibility Analysis, should be sent to the Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; phone: 787-766-5926; fax: 787-766-6239.

FOR FURTHER INFORMATION CONTACT: Michael C. Barnette, NMFS, 727-570-5305.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires Regional Fishery Management Councils to submit proposed fishery management plans (plans) or amendments to NMFS for review and approval, disapproval, or partial approval. The Magnuson-Stevens Act also requires that NMFS, upon receiving a plan or amendment from a Council, immediately publish a document in the **Federal Register** stating that the plan or amendment is available for public review and comment.

Caribbean coral reefs are under considerable stress as a result of coastal development and deforestation (sedimentation, pollution, dredging) and fishing (gear impacts and overfishing effects). The FMP currently prohibits the taking of corals and live rock, and limits gear used to collect live reef invertebrates and algae for aquariums. The FMP was recently amended by a generic amendment to address essential fish habitat (EFH) requirements to designate coral and coral reef areas as EFH in the U.S. Caribbean. Amendment 1 would specifically address fishing effects on reefs by establishing a "no take" MCD in a coral reef area known as Hind Bank southwest of St. Thomas, USVI. The dominant coral on Hind Bank is the boulder star coral, *Montastrea annularis*. Observed colonies are roughly 1 m in diameter. Based on recorded growth rates of approximately 0.4–1.2 cm/year, these colonies are at least 100 years old. At about 20 fathoms (36 m), the bottom topography of Hind Bank consists of a series of coral ridges (each approximately 100 m wide) interspersed with sandy depressions.

Fisheries in the U.S. Caribbean are multi-species, multi-gear, and primarily artisanal. Studies show declines in catch rates and relative abundance of groupers, snappers, triggerfish, angelfish, parrotfish, and grunts in USVI trap fisheries. Jewfish, *Epinephelus itajara*, Nassau grouper, *E. striatus*, and queen conch, *Strombus gigas*, have been designated by NMFS as overfished under the provisions of the Magnuson-Stevens Act. Red hind, *Epinephelus guttatus*, the dominant commercial reef fish species in the U.S. Caribbean, is showing signs of declines in catch-per-unit-effort, average size, and a significantly skewed sex ratio.

In addition to red hind, other species thought to aggregate on Hind Bank for spawning include yellowfin grouper, *Mycteroperca venenosa*; yellowtail snapper, *Ocyurus chrysurus*; stoplight parrotfish, *Sparisoma viride*; creole wrasse, *Clepticus parrae*; and the creole fish, *Paranthias furcifer*. Hind Bank was once a spawning site for Nassau grouper, but few individuals have been seen in the area in recent years.

Since 1991, Hind Bank has been closed under the FMP to fishing from January through March to protect red hind spawning aggregations. A 1997 scientific research report to the Council indicated that this closure was having a positive effect in terms of increased abundance and size of red hind.

The seasonal closure affects all fisheries, including those for highly migratory species (HMS), such as tuna, billfish, and sharks. Amendment 1 would extend the seasonal closure year-round. The Council considered the possibility of allowing some fishing within MCDs to accommodate headline fishermen taking snappers, pelagics, and HMS. However, the Council determined that any fishing activities in the MCD could adversely affect spawning aggregations, degrade the reef ecosystem, and complicate enforcement.

The Council specifically intends that the MCD fishing restrictions apply to all fisheries, including the HMS fisheries. During the public comment periods, the NMFS HMS Fax Network will be used to ensure that all affected HMS fishermen are informed of the MCD proposal.

During 1995–96, 25 commercial fishermen reported landings from the general area southwest of St. Thomas (EEZ waters only); this area accounted for 14 percent of the trips and 31 percent of the total commercial catch

(about 390,000 lb (176,901 kg)) in the USVI, primarily from trap fishing for finfish and spiny lobsters. HMS and other headline fishermen in this area accounted for only 4 percent of the trips and 8 percent of the total catch. There are no comparable data for the recreational sector. There are approximately 10 charter fishing operations in the St. Thomas-St. John area; however, these boats reportedly fish the "dropoff" south of St. John, rather than off St. Thomas.

The establishment of the MCD would displace commercial fishermen from preferred fishing grounds. However, the displacement cost to the industry is expected to be small because the majority of vessels fishing in the preferred grounds also make multiple trips to areas outside the proposed MCD, suggesting that movement in fishing effort from one area to another is relatively adjustable. The MCD is likely to result in a short-term reduction in the amount of fish available for harvest and, ultimately, a reduction in harvest. However, the MCD is also expected to result in export of adults and larvae into areas outside the MCD that will, in the long-term, increase the populations available for harvest. As the populations outside the MCD expand, harvests by existing fishermen will expand commensurately, resulting in increased profits. Theoretically, however, increased profits will attract additional entrants into the fisheries and increase effort. Despite increasing effort, establishment of the MCD is expected to result in future increases in total catch.

Comments received by August 20, 1999, whether specifically directed to the amendment or the proposed rule, will be considered by NMFS in its decision to approve, disapprove, or partially approve the amendment. Comments received after that date will not be considered by NMFS in this decision. All comments received by NMFS on the amendment or the proposed rule during their respective comment periods will be addressed in the final rule.

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

Dated: June 16, 1999.

George H. Darcy,
Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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