ACTION: Notification of petition finding.

SUMMARY: NMFS has received a petition to delist all west coast salmon (*Oncorhynchus* spp.) inhabiting the Pacific Basin, including all rivers and tributaries emptying into the Pacific Basin, from the endangered species list. NMFS has determined that the petition does not contain any new, substantial scientific or commercial information, indicating that the petitioned action may be warranted.

DATES: The finding announced in this document was made on September 28, 1998.

ADDRESSES: Requests for information concerning this petition should be sent to Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East West Highway, Silver Spring, MD 20910; telephone: (301)713–1401.

FOR FURTHER INFORMATION CONTACT: Lisa Lierheimer at (301)713–1401.

SUPPLEMENTARY INFORMATION:

Background

Section 4(b)(3)(A) of the ESA of 1973, as amended (16 U.S.C *et seq*.), requires that NMFS make a finding on whether a petition to list, delist, or reclassify a species presents substantial scientific or commercial information to demonstrate that the petitioned action may be warranted. NMFS' standard for substantial information is stated at 50 CFR 424.14(b) as ''that amount of information that would lead a reasonable person to believe that the measure proposed in the petition may be warranted.'' This finding is to be based on all information available to NMFS at the time. 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 the finding is positive, NMFS is also required to promptly commence a review of the status of the involved species.

NMFS has made a 90-day finding on a petition to delist all Pacific salmon (*Oncorhynchus* spp.). The petition, dated July 8, 1998, was submitted by Mr. Richard A. Gierak, Director of New Frontiers Institute, Inc., and was received by NMFS on July, 14, 1998. The petitioner requested that NMFS delist all west coast salmon inhabiting the entire Pacific Basin including all rivers and tributaries emptying into the Pacific Basin.

The petitioner submitted information from various documents from 1985 through 1998, including NMFS publications, reports, and **Federal Register** documents of salmon listings, and from personal communications on the primary causative factors in the decline of coho salmon in northern California rivers. The petitioner identifies two categories of major factors contributing to the decline of northern California coho: nature (i.e., floods, fire, drought, El Nino), and human activities (i.e., the Marine Mammal Protection Act and the overpopulation of salmonid predators, the removal of salmonid eggs for hatchery production, and the destruction of estuarine habitats along the coast).

Under section 4(a)(1) of the ESA and the listing regulations at 50 CFR 424.11(c), when a species is considered for listing, NMFS must determine whether the species is endangered or threatened due to any one or a combination of the following factors: (1) The 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) the inadequacy of existing regulatory mechanism; or (5) other natural or manmade factors affecting its continued existence.

Under 50 CFR 424.11(d), the factors considered in delisting a species are the same as those used to list a species. A species may be delisted only if the best scientific and commercial data indicates that the species is no longer threatened or endangered for the following reasons: (1) Extinction; (2) recovery (the point at which the purposes of the ESA are no longer required); (3) subsequent investigation reveals that the original data or the interpretation of that data used to list the species was in error.

For listed coho salmon, the present condition of the population is a result of long-standing, human-induced conditions (i.e., harvest, habitat degradation, and artificial propagation) that serve to exacerbate the negative effects of adverse environmental conditions (i.e., drought, poor ocean conditions). However, the present conditions of listed coho salmon and the information presented throughout the petition as factors directly attributable to the devastation of salmon populations correspond to the factors listed here, requiring NMFS to list a species under the ESA. Information demonstrating that listed salmon have recovered or that the threats to salmon no longer exist were not presented in the petition.

NMFS has reviewed the petition, the literature cited in the petition, and other available literature and information. NMFS finds that the petitioned action does not present substantial scientific or commercial information indicating that delisting Pacific salmon may be warranted.

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

Dated: September 28, 1998.

Andrew A. Rosenberg,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

[FR Doc. 98–26768 Filed 10–5–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[Docket No. 980918242–8242–01; I.D. 090898B]

RIN 0648–AL87

Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Advance Notice of Proposed Rulemaking

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

ACTION: Advance notice of proposed rulemaking; request for comments.

SUMMARY: The Pacific Fishery Management Council (Council) is considering whether there is a need to impose additional management measures to further limit harvest capacity or to allocate between or within the limited entry commercial and the recreational groundfish fisheries in the U.S. exclusive economic zone off the States of Washington, Oregon, and California. If the Council determines that additional management measures are needed, the Council will recommend a rulemaking to implement those measures. Possible measures include allocating harvest of particular groundfish species (rockfish and lingcod) between limited entry gear groups and between commercial and recreational fisheries and further limiting access to certain species within the Pacific Coast groundfish complex. The Council may proceed with some or all of these measures. In order to discourage fishers from intensifying their fishing efforts for the purpose of amassing catch history for any allocation or additional limited access program developed by the Council, the Council announced on April 9, 1998, that any program proposed would not include consideration of catch landed after that date. At present, the Council is planning to consider catch history

through the 1997 fishing season. Persons interested in the Pacific Coast groundfish fishery should contact the Council to stay up to date on the management of the fishery.

DATES: Comments must be submitted in writing by November 5, 1998.

ADDRESSES: Comments may be mailed to Jerry Mallet, Chairman, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

FOR FURTHER INFORMATION CONTACT: Katherine King or Yvonne deReynier at 206–526–6140; or Svein Fougner at 562–980–4000; or the Pacific Fishery Management Council at 503–326–6352.

SUPPLEMENTARY INFORMATION: The Pacific Coast Groundfish Fishery Management Plan (FMP) was approved on January 4, 1982 (47 FR 43964, October 5, 1982), and implementing regulations appear at 50 CFR 660.302 through 660.341. On November 16, 1992, NMFS published final regulations implementing Amendment 6 to the FMP. Amendment 6 and its implementing regulations established a license limitation program for the commercial groundfish fishery based on the issuance of gear-specific Federal limited entry permits. Limited entry permits are endorsed for one or more of three gear types (trawl, longline, and trap(or pot)). A vessel meeting specific minimum landing requirements with a particular gear during the qualifying ''window period'' (July 11, 1984 through August 1, 1988) received a transferable permit with an ''A'' endorsement for that gear.

Amendment 6 also divided the Pacific Coast commercial groundfish fishery into two segments. The first segment is the limited entry fishery, consisting of vessels with limited entry permits endorsed for longline and/or trap (or pot) gear and all vessels using groundfish trawl gear. The second segment is the open access fishery, consisting of all vessels using all other gear, as well as vessels that do not have limited entry permits endorsed for use of longline or trap (or pot) gear, but that make small landings with longline or trap (or pot) gear. Implementation of Amendment 6 included setting harvest allocations between limited entry and open access fishers at percentages equal to the percentages of groundfish species taken by those same fishers during the window period.

On June 27, 1997, NMFS published final regulations implementing Amendment 9 to the FMP (62 FR 34670). Amendment 9 and its implementing regulations established a sablefish endorsement requirement for limited entry permits endorsed for fixed gear (longline or trap). The sablefish endorsement limits participation in the limited entry, regular, and mop-up fisheries for sablefish taken with fixed gear to permits with a minimum sablefish landing requirement during any one year within a window period of January 1, 1984, through December 31, 1994.

The Council in meetings from September 1997 through June 1998 discussed a trawl permit buyback program under the authority of Section 312(b) of the Magnuson-Stevens Fishery Conservation and Management Act. During these discussions, the Council determined that a buyback program would only be acceptable to trawl endorsed limited entry permit holders if the trawl fleet could retain a specific share of the total limited entry catch. At the same time, declining stock levels of some of the more valuable species in the groundfish complex had led to lower harvest levels and to greater concerns about catch allocation between the commercial and recreational sectors of the groundfish fisheries. These combined events led the Council to begin discussions on a rockfish and lingcod endorsement program to limit catch of those species to permit holders with greater dependence upon those species. At its April 1998 meeting, the Council realized that it might be addressing several different allocation issues over the coming year and that announcing the end of the time frame for considering catch history for groundfish allocation or further access limitation might prevent speculative fishing during Council resolution of these issues. The Council also established an Allocation Committee to review these issues and report back to the Council. The Allocation Committee has held two public meetings and reported to the Council at its September 1998 meeting in Sacramento, CA. The Council discussed these issues at that meeting and will hold further discussions at future meetings.

Implementation of any management measures for the fishery will require amendment of the regulations implementing the FMP and possibly of the FMP itself. Any action will require Council development of a regulatory proposal with public input and a supporting analysis, NMFS approval, and publication of implementing regulations in the **Federal Register**.

As the Council considers management options, some permit holders may decide to intensify their fishing effort for the sole purpose of establishing a record of making higher levels of commercial groundfish landings. When management authorities begin to consider limited access management regimes, this kind of speculative fishing is often responsible for a rapid increase in fishing effort in fisheries that are already fully developed or overdeveloped. The original fishery problems, such as overcapitalization or overfishing, may be exacerbated by the entry of new participants or effort expansion by current participants.

The Council began its formal discussion of management measures to allocate species or to limit participation or effort in the fishery on April 9, 1998. Groundfish harvest after that date may not be used as a basis for allocation or participation if a management program is developed using catch history as all or part of the basis for allocation or participation. Fishermen are not guaranteed future participation in the groundfish fishery, regardless of their date of entry or intensity of participation in the fishery before or after Council discussions on these issues.

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

Dated: September 30, 1998.

Andy Rosenberg,

Deputy Assistant Administrator for Fisheries.

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