

Determination

The ESA defines an endangered species as any species in danger of extinction throughout all or a significant portion of its range, and a threatened species as any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range (16 U.S.C. 1532(6) and (20)). Section 4(b)(1) of the ESA requires that the listing determination be based solely on the best scientific and commercial data available, after conducting a review of the status of the species and after taking into account those efforts, if any, being made by any state or foreign nation to protect and conserve the species.

After reviewing the best scientific and commercial information available and the effects of current conservation efforts, NMFS has determined that listing of Atlantic white marlin under the ESA is not warranted at this time. NMFS intends to add Atlantic white marlin to its list of ESA candidate species and reevaluate its status in 2007. If the 2007 status review indicates that ICCAT and U.S. management measures have been ineffective in reducing the fishing mortality rate, NMFS would likely propose to list this species under the ESA.

References

White Marlin Status Review Team. 2002. Atlantic White Marlin Status Review Document. Report to National Marine Fisheries Service, Southeast Regional Office, September 3, 2002. 49 pp.

Authority

The authority for this section is the ESA of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: September 3, 2002.

William T. Hogarth,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 083002C]

Mid-Atlantic Fishery Management Council; Public Hearings

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

ACTION: Public hearing meetings; request for comments.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) is currently developing Amendment 13 to the Surfclam and Ocean Quahog Fishery Management Plan (FMP), pursuant to the Magnuson-Stevens Fishery Conservation and Management Act of 1976, as amended. The Council will hold a series of public hearings to solicit comments on proposals to be included in Amendment 13. The intended effect of this action is to alert interested public of the commencement of this hearing process and to provide for public participation.

DATES: Written comments will be accepted through 5 p.m. October 15, 2002. See **SUPPLEMENTARY INFORMATION** for specific location and dates of the public hearings.

ADDRESSES: Send comments to Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 South New Street, Dover, DE 19904. When submitting comments, identify correspondence as "Comments on Draft Amendment 13." Copies of the public hearing document and the Draft Environmental Impact Statement (DEIS) for Amendment 13 may be obtained from the Council. Hearings will be held in Maine, New Jersey, and Delaware. See **SUPPLEMENTARY INFORMATION** for specific locations. Requests for special accommodations should be addressed to the Mid-Atlantic Fishery Management Council, Federal Building, 300 South New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director of the Mid-Atlantic Fishery Management Council, 302-674-2331, ext. 19.≤

SUPPLEMENTARY INFORMATION: The Council proposes to take action to implement Amendment 13 to the FMP.

Amendment 13 addresses five major issues: (1) a new surfclam overfishing definition; (2) fishing gear impacts to essential fish habitat (EFH); (3) multi-year quotas; (4) suspension of the surfclam minimum size limit; and (5) a vessel monitoring-type system.

In conjunction with the development of Amendment 13, the Council prepared a DEIS under the National Environmental Policy Act to assess the potential effects of the proposed action, and the alternatives to those actions, on the human environment. A Notice of Availability for the DEIS for Amendment 13 was published in the **Federal Register** on August 30, 2002 (67 FR 55838). The 45-day comment period for the DEIS ends on October 15, 2002. Copies of the DEIS can be obtained from the Council (see **ADDRESSES**).

Once it has considered public comments, the Council will approve final management measures and prepare a submission package for NMFS. There will be an additional opportunity for public comment when the Notice of Availability and the proposed rule for Amendment 13 are published in the **Federal Register**.

Public Hearings

The dates, times, and locations of the hearings are scheduled as follows:

1. Tuesday, September 24, 2002, beginning at 7 p.m.—University of Maine, Science Building, Room 102, Machias, ME; telephone: 207-255-1289.
2. Monday, September 30, 2002, beginning at 7 p.m.—Clarion Hotel and Convention Center, 6821 Black Horse Pike, Atlantic City, NJ; telephone: 609-272-0200.
3. Wednesday, October 2, 2002, beginning at 7 p.m.—Holiday Inn Select, 630 Naamans Road, Claymont, DE; telephone: 302-791-4603. This hearing will be in conjunction with the Mid-Atlantic Fishery Management Council's October meeting at the same location.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Mid-Atlantic Council's office at least 5 days prior to the hearing date.

Dated: August 30, 2002.

Virginia M. Fay,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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