

advancements since 2003, standardization of monitoring and assessment efforts, and gaps in our understanding of the species' long-term trends. At this time, we are formally announcing a status review of the black abalone. This species was harvested commercially and recreationally beginning in the mid-1800s with significant declines detected in the late 1970s, and withering syndrome continues to be a threat to the species.

#### Comments Solicited

To support this status review, we are soliciting information on the following topics: (1) long-term trends in abundance throughout the species range; (2) potential factors for the species' decline throughout its range (e.g., overharvesting, natural predation, disease, habitat loss etc.); (3) status of the black abalone fishery in Mexico; (4) implication of low population size for black abalone conservation; (5) factors important for black abalone management; (6) current estimate of population size and available habitat; (7) knowledge of various life history parameters (size/age at maturity, fecundity, length of larval stage, larval dispersal dynamics, etc.); and (8) projections on population growth or decline and risk of extinction. See **DATES** and **ADDRESSES** for guidance on how, by when, and where to send information.

Dated: October 10, 2006.

**James H. Lecky,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101106D]

#### Endangered and Threatened Species; Revision of Species of Concern List, Candidate Species Definition, and Candidate Species List

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

**ACTION:** Notice; revision of species of concern list, candidate species definition, and species considered as candidates.

**SUMMARY:** We, NMFS, revise: our species of concern list by adding three and removing six species; our definition of candidate species; and our candidate species list by adding four species and

removing two. We solicit information and comments on the status of, and research and stewardship opportunities for, species of concern.

**DATES:** These actions are effective on October 17, 2006.

**ADDRESSES:** Send comments and documentation regarding the status of any species of concern to the Chief of Endangered Species, NMFS, Office of Protected Resources, 1315 East-West Highway, F/PR3, Silver Spring, MD 20910. Comments may also be submitted by e-mail at [soc.list@noaa.gov](mailto:soc.list@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: Species of Concern List.

**FOR FURTHER INFORMATION CONTACT:** Marta Nammack at (301)713-1401, ext. 180, [marta.nammack@noaa.gov](mailto:marta.nammack@noaa.gov), for general information on the Species of Concern program; Kim Damon-Randall at (978) 281-9300 x6535, [kimberly.damon-randall@noaa.gov](mailto:kimberly.damon-randall@noaa.gov), for information on the newly designated species of concern.

**SUPPLEMENTARY INFORMATION:** The regulations implementing section 4 of the ESA (5 U.S.C. 1533) define "candidate" as "any species being considered by the Secretary [of Commerce or Interior] for listing as an endangered or a threatened species, but not yet the subject of a proposed rule" (50 CFR 424.02). Such a designation does not confer any procedural or substantive protections of the ESA on the candidate species.

"Species of concern" are species about which we have some concerns regarding status and threats, but for which insufficient information is available to indicate a need to list the species under the ESA (69 FR 19975; April 15, 2004). Species can qualify as both species of concern and candidate species. This discussion is limited to species under NMFS jurisdiction and does not apply to the regulatory practices of the U.S. Fish and Wildlife Service.

#### Definition of Candidate Species

On April 15, 2004, (69 FR 19975) we stated that we would limit use of the term "candidate species" to refer to (1) species that are the subject of a petition to list and for which we have determined that listing may be warranted, pursuant to section 4(b)(3)(A), and (2) species for which we have determined, following a status review, that listing is warranted (whether or not they are the subject of a petition). However, in order to be consistent, we intend to include non-petitioned species for which we have

announced the initiation of a formal status review in our definition of candidate species. "Candidate species" will henceforth refer to (1) species that are the subject of a petition to list and for which we have determined that listing may be warranted, pursuant to section 4(b)(3)(A), and (2) species that are not the subject of a petition but for which we have announced the initiation of a status review in the **Federal Register**. In other words, any species that is undergoing a status review that we have announced in a **Federal Register** notice will be considered a candidate species.

#### Species of Concern

In our April 15, 2004, notice establishing the species of concern list (69 FR 19975), we described factors that we consider when identifying species of concern. Rationale for identifying each species of concern is available at <http://www.nmfs.noaa.gov/pr/species/concern>. We intend to publish annual updates of our species of concern list in the **Federal Register**. Table 1 at the end of this Notice lists the current species of concern. We are adding three species to and removing six species from the species of concern list. Also, two species are removed from the candidate species list, while four species of concern are added to the candidate list because they are undergoing formal status reviews.

Initiation of a status review does not mean that an ESA listing is imminent. Even after a status review has been conducted, it is possible that the available information will be insufficient to make a determination on the status of the species or that the information will indicate that an ESA listing is not warranted. Species of concern status serves to promote conservation and research efforts for these species.

#### Adding Three Species of Concern

We have identified three new species of concern: the porbeagle (*Lamna nasus*), alewife (*Alosa pseudoharengus*), and blueback herring (*Alosa aestivalis*). A short synopsis of their status and factors for decline are presented here. More detailed information on these species is available at <http://www.nmfs.noaa.gov/pr/species/concern/>.

The porbeagle is a slow growing coastal shark, with a relatively late age at maturity. It has been overfished over the last four decades, resulting in a 90 percent loss of the sexually mature population. In 2006 the International Union for Conservation of Nature and Natural Resources assessed the status of

this species as Vulnerable globally, Endangered in the Northwest Atlantic, and Critically Endangered in the Northeast Atlantic and Mediterranean. In May 2004, the Committee on the Status of Endangered Wildlife in Canada recommended to the Canadian Minister of Fisheries that this species be listed as endangered under the Species at Risk Act. While the Highly Migratory Species Fishery Management Plan includes fishery restrictions for sharks in the United States, none of these restrictions, except for an annual quota of 92 metric tons, are specific to the porbeagle.

The alewife and blueback herring are fishes collectively referred to as "river herring." Due to difficulties in distinguishing the two species, they are often harvested and managed together. Landings statistics and the numbers of fish observed on annual spawning runs indicate a drastic decline in river herring populations throughout much of their range since the mid-1960s. Though factors responsible for this decline have yet to be identified, decreased access to spawning areas from the construction of dams, other impediments to migration, degradation of habitat, overfishing, and increased predation by recovering striped bass populations have likely contributed to their decline.

#### Removing Six Species

We have removed six species from the species of concern list. The southern distinct population segment (DPS) of green sturgeon (*Acipenser medirostris*), Lower Columbia River coho salmon evolutionarily significant unit (ESU) (*Oncorhynchus kisutch*), elkhorn coral (*Acropora palmata*), and staghorn coral (*Acropora cervicornis*) are being removed from this list because we have listed them as threatened (green sturgeon—67 FR 17757; April 7, 2006), (coho—70 FR 37160; June 28, 2005), (elkhorn coral and staghorn coral—71 FR 26852; May 9, 2006). We are removing the goliath grouper (*Epinephelus itajara*) from the species of concern list because the January 2006 status report written by a review team appointed by NMFS' Southeast Region indicated that the species no longer met the criteria for being a species of concern (January 17, 2006, memorandum from Roy Crabtree, Regional Administrator, Southeast Region, to Jim Lecky; February 10, 2006, concurrence by Jim Lecky, Director, Office of Protected Resources). And the Oregon Coast coho salmon (*Oncorhynchus kisutch*) ESU is no longer a species of concern because, after proposing to list the species as threatened under the ESA, we withdrew

the proposal because of ongoing conservation efforts that are likely to improve the status of this species (71 FR 3033; January 19, 2006).

#### Candidate Species

Since we last published an updated species of concern list, there have also been changes to the candidate species list. Two former species of concern that were also candidate species because of ongoing status reviews are no longer species of concern or candidate species: the Lower Columbia River coho salmon ESU and the Oregon Coast coho salmon ESU. As described above, these species are no longer species of concern, and they are also no longer candidate species.

#### New Candidate Species

We are adding four species to the candidate species list. Since we are now including as candidate species those species for which we have initiated our own formal status reviews, the following three species are now considered to be candidate species: Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*, this **Federal Register** notice), Atlantic salmon populations in Maine outside the range of the listed Gulf of Maine DPS (*Salmo salar*, 71 FR 55431; September 22, 2006), and black abalone (*Haliotis cracherodii*, announced in this issue of the **Federal Register**). The Cook Inlet DPS of the beluga whale (*Delphinapterus leucas*) is also a candidate species both because announced the initiation of a status review (71 FR 14836; March 24, 2006), and we also made a 90-day finding that the subsequent petition to list the species presented substantial information indicating that the petitioned action may be warranted (71 FR 44614; August 7, 2006).

#### Atlantic sturgeon

In 1998, in response to a petition to list Atlantic sturgeon under the ESA, NMFS and the U.S. Fish and Wildlife Service (FWS) published a determination that listing the species was not warranted at that time (63 FR 50187; September 21, 1998). NMFS also retained this species on its candidate species list in order to continue to monitor its status (63 FR 50211; September 21, 1998) and later transferred it to its newly established species of concern list (69 FR 19975; April 15, 2004). In 2005, following two separate workshops which highlighted ongoing concerns regarding the current status of Atlantic sturgeon, NMFS initiated a new status review. We formed a biological review team (BRT) comprised of representatives from

NMFS, FWS, and the U.S. Geological Survey to compile information on the status of Atlantic sturgeon. The BRT drafted a status review report which is undergoing peer review at this time. We expect to use the status review report to make a determination on whether listing Atlantic sturgeon or distinct population segments of this species is warranted at this time.

#### Atlantic salmon

A BRT consisting of biologists from the Maine Atlantic Salmon Commission, Penobscot Indian Nation, NMFS, and FWS has completed a status review report for Atlantic salmon Status Review for Anadromous Atlantic Salmon (*Salmo salar*) in the United States, July 2006). This updates the 1999 status review report on which we based our determination to list the Gulf of Maine DPS of Atlantic salmon as endangered (65 FR 69459; November 17, 2000) by analyzing new information and assessing the status of other populations in Maine in relation to the Gulf of Maine DPS. We published a Notice of Availability for the status review report in the **Federal Register** (71 FR 55431; September 22, 2006), and we will publish our determination on whether a modification to the existing listing or a new listing is warranted.

#### Species of Concern Table

Table 1 contains a complete list of NMFS' species of concern. In Table 1, the common name appears as the first entry followed by the scientific name, the family name, and the area of concern. The area of concern denotes the general geographic range of the species or the vertebrate population for which concern has been expressed. Results of status reviews may narrow or expand the geographic areas or populations of concern in the future. Additionally, species of concern that are also considered to be candidate species because they are undergoing formal status reviews are denoted in boldface type. It is important to note that the species of concern list is limited by the information available. Any species of concern identified during the period between this revision and the next **Federal Register** publication will be listed on our web page (<http://www.nmfs.noaa.gov/pr/species/concern>).

#### Comments Solicited

We solicit information on the biology of, threats to, and relevant research and stewardship opportunities for species of concern (see **ADDRESSES**). This information will help guide us in future revisions of the species of concern list

and allocation of resources for species of concern. There is no deadline for submitting such information.

Dated: October 10, 2006.

**James H. Lecky,**

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

TABLE 1 - SPECIES OF CONCERN LIST

Common Name	Scientific Name	Family	Area of Concern <sup>1</sup>
<i>Marine Mammals</i>			
<i>beluga whale</i>	<i>Delphinapterus leucas</i>	Monodontidae	Pacific-AK (Cook Inlet population).
<i>Fishes</i>			
sand tiger shark	<i>Odontaspis taurus</i>	Odontaspidae	Atlantic, Gulf of Mexico.
porbeagle	<i>Lamna nasus</i>	Lamnidae	Atlantic, Newfoundland, Canada to New Jersey
dusky shark	<i>Carcharhinus obscurus</i>	Carcharhinidae	Atlantic, Gulf of Mexico-Western North Atlantic DPS.
night shark	<i>Carcharhinus signatus</i>	Carcharhinidae	Atlantic, Gulf of Mexico.
largetooth sawfish	<i>Pristis pristis</i>	Pristidae	Atlantic-TX, FL.
barndoor skate	<i>Pristis pristis</i>	Rajidae	Atlantic-Newfoundland, Canada to Cape Hatteras, NC.
thorny skate	<i>Raja radiata</i>	Rajidae	Atlantic-West Greenland to NY.
<i>Atlantic sturgeon</i>	<i>Acipenser oxyrinchus oxyrinchus</i>	Acipenseridae	Atlantic-Labrador to St. Johns R., FL; anadromous.
green sturgeon	<i>Acipenser medirostris</i>	Acipenseridae	Pacific-northern DPS (including coastal spawning populations from the Eel River north, to the Klamath and Rogue rivers); anadromous.
blueback herring	<i>Alosa aestivalis</i>	Clupeidae	Atlantic-Cape Breton, Nova Scotia, to St. John's River, FL.
Alabama shad	<i>Alosa alabamae</i>	Clupeidae	Gulf of Mexico-AL, FL, anadromous.
alewife	<i>Alosa pseudoharengus</i>	Clupeidae	Atlantic-Newfoundland to North Carolina.
coho salmon	<i>Oncorhynchus kisutch</i>	Salmonidae	Pacific-Puget Sound/Strait of Georgia coho ESU; anadromous.
steelhead trout	<i>Oncorhynchus mykiss</i>	Salmonidae	Pacific-OR Coast ESU; anadromous.
Chinook salmon	<i>Oncorhynchus tshawytscha</i>	Salmonidae	Pacific-Central Valley fall and late fall-run ESU
<i>Atlantic salmon</i>	<i>Salmo salar</i>	Salmonidae	Atlantic-Gulf of Maine (other populations in streams and rivers in Maine outside the range of the listed Gulf of Maine Atlantic salmon DPS); anadromous.
rainbow smelt	<i>Osmerus mordax</i>	Osmeridae	Atlantic-Labrador to NJ; anadromous.
cusk	<i>Brosme brosme</i>	Gadidae	Atlantic-Gulf of Maine.
Pacific hake	<i>Merluccius productus</i>	Gadidae	Pacific-Georgia Basin DPS.
mangrove rivulus	<i>Rivulus marmoratus</i>	Aplocheilidae	Atlantic-FL, estuarine.
saltmarsh topminnow	<i>Fundulus jenkinsi</i>	Cyprinodontidae	Atlantic-TX, LA, MS, AL, FL.
key silverside	<i>Menidia conchorum</i>	Atherinidae	Atlantic-Florida Keys.
opossum pipefish	<i>Microphis brachyurus lineatus</i>	Syngnathidae	Atlantic-Florida (Indian River Lagoon).
striped croaker	<i>Bairdiella sanctaeluciae</i>	Sciaenidae	Atlantic-FL, Antilles and Caribbean from Costa Rica to Guyana.
humphead wrasse	<i>Cheilinus undulatus</i>	Labridae	Indo-Pacific-Red Sea to the Tuamotus, north to the Ryukyus, east to Wake Islands, south to New Caledonia, throughout Micronesia; includes U.S. territories of Guam and American Samoa.

TABLE 1 - SPECIES OF CONCERN LIST—Continued

Common Name	Scientific Name	Family	Area of Concern <sup>1</sup>
bumphead parrotfish	<i>Bolbometopon muricatum</i>	Scaridae	Indo-Pacific-Red Sea and East Africa to the Line Islands and Samoa; north to Yaeyama, south to the Great Barrier Reef and New Caledonia; Paulau, Caroline, Mariana in Micronesia; in U.S. it occurs in Guam, American Samoa, CNMI and the Pacific Remote Island Areas (Wake Islands).
Atlantic wolffish	<i>Anarhichas lupus</i>	Anarhichadidae	Atlantic-Georges Bank and western Gulf of Maine.
white marlin	<i>Tetrapturus albidus</i>	Istiophoridae	Atlantic.
cowcod	<i>Sebastes levis</i>	Scorpaenidae	Pacific-Central OR to central Baja California and Guadalupe Island, Mexico.
bocaccio	<i>Sebastes paucispinis</i>	Scorpaenidae	Pacific-Southern DPS (Northern CA to Mexico).
Atlantic halibut	<i>Hippoglossus hippoglossus</i>	Pleuronectidae	Atlantic-Labrador to southern New England.
speckled hind	<i>Epinephelus drummondhayi</i>	Serranidae	Atlantic-NC to Gulf of Mexico.
warsaw grouper	<i>Epinephelus nigritus</i>	Serranidae	Atlantic-MA southward to Gulf of Mexico.
Nassau grouper	<i>Epinephelus striatus</i>	Serranidae	Atlantic-NC southward to Gulf of Mexico.
<i>Brachiopoda</i>			
inarticulate brachiopod	<i>Lingula reevii</i>	Lingulidae	Pacific-Hawaii, only Kaneohe Bay.
<i>Mollusks</i>			
pink abalone	<i>Haliotis corrugata</i>	Haliotidae	Pacific-Point Conception, CA, to Bahia de Tortuga, Baja California.
black abalone	<i>Haliotis cracherodii</i>	Haliotidae	Pacific-OR, CA, Baja California.
green abalone	<i>Haliotis fulgens</i>	Haliotidae	Pacific-Point Conception, CA, to Bahia Magdalena, Baja California.
pinto abalone	<i>Haliotis kamtschatkana</i>	Haliotidae	Pacific-Sitka, AK, to Point Conception, CA.
<i>Anthozoans (Corals)</i>			
Hawaiian reef coral	<i>Montipora dilitata</i>	Acroporidae	Pacific-Hawaii (Kaneohe Bay, Midway atoll, and Maro Reef).
ivory bush coral	<i>Oculina varicosa</i>	Oculinidae	Atlantic-West Indies, Bermuda, NC, FL, Gulf of Mexico, Caribbean.

<sup>1</sup> Defines the general geographic area or populations of concern for the species.

DPS = distinct population segment, which is a species for purposes of the ESA.

ESU = evolutionarily significant unit, which is a DPS or species for purposes of the ESA

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101206A]

#### Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; request for comments.

**SUMMARY:** The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and

objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). Based on preliminary review of this project, a Categorical Exclusion (CE) from requirements to prepare either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) appears to be justified. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow two commercial fishing vessels to conduct