

Despite the combination of continued low abundance, suspected low intrinsic rate of increase and suspected late age of maturity, barndoor skates have persisted at low levels in U.S. waters over the past 30–40 years (NEFSC, 2000). Long-lived species tend to be especially prone to excessive mortalities and rapid stock collapse, resulting in a recovery that may take decades. It is recognized that the rebuilding of barndoor skate will be a long and slow process, but the recent and continuing increases seen in abundance and size range indicate that the population is increasing. There is no evidence of any other natural or manmade factors affecting the continued existence of barndoor skate populations.

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, NMFS has determined that listing of barndoor skate as threatened or endangered under the ESA is not warranted at this time. The following factors all indicate a positive trend for barndoor skate populations: The recent increases in abundance and biomass of barndoor skate observed during surveys; the expansion of known areas where barndoor skate have been encountered; the increases in size range, and; the increase in number of small size barndoor skate collected. This trend is not consistent with a species that is in danger of extinction throughout all or a significant portion of its range or likely to become endangered within the foreseeable future throughout all or a significant portion of its range. Furthermore, the major identifiable threat to the species, overfishing, is currently being reduced by existing regulatory measures affecting several northeast fisheries. In addition to regulatory measures already in place, NMFS intends to continue to work with the Council to fully develop and implement the Skate FMP. NMFS is not relying on the draft Skate FMP as a

reason not to list barndoor skate, but rather noting that it is under development and will benefit barndoor skate populations when it is implemented.

NMFS believes that remaining uncertainties regarding the status and population structure of the barndoor skate warrant leaving it on the agency's list of candidate species. If new information becomes available indicating that the species faces threats greater than are currently known, this decision will be revisited to determine whether ESA protection is appropriate.

References Cited

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industry surveys, and incidental catches in the commercial fishery. Unpublished manuscript.

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Authority

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

Dated: September 20, 2002.

Rebecca Lent,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[ID. 091702C]

Fisheries Off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Application for an Exempted Fishing Permit

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

ACTION: Notice of receipt of an application for an exempted fishing permit, request for comments.

SUMMARY: NMFS announces receipt of an application for an exempted fishing permit (EFP) from the California Department of Fish and Game. This EFP application applies to vessels with valid California State delivery permits fishing for flatfish with small footrope trawl gear in Federal waters off the state of California. If awarded, the EFP would allow vessels with a Federal limited entry permit to land federally managed groundfish species in excess of cumulative trip limits and to sell flatfish catch for profit, provided that the vessels carry state-sponsored observers. Observers would collect data that are otherwise not available shoreside. This EFP proposal is intended to promote the objectives of the Pacific Coast Groundfish Fishery Management Plan (FMP) by providing data that can be used to enhance management of the groundfish fishery.

DATES: Comments must be received by October 15, 2002.

ADDRESSES: Copies of the EFP application are available from Becky

Renko, Northwest Region, NMFS, 7600 Sand Point Way N.E., Bldg. 1, Seattle, WA 98115-0070.

FOR FURTHER INFORMATION CONTACT: Becky Renko (206)526-6140.

SUPPLEMENTARY INFORMATION: This action is authorized by the FMP and implementing regulations at 50 CFR 600.745 and 50 CFR 660.350.

If awarded, the EFP would allow vessels with a Federal limited entry permit to land federally managed groundfish species in excess of cumulative trip limits and to sell flatfish catch for profit, provided that these vessels carry state-sponsored observers. Observers would collect data that are otherwise not available shoreside.

This exempted fishing activity is designed to measure bycatch rates of shelf rockfish species taken with small footrope trawl gear used to target flatfish in Federal waters off the State of California. Fishing would be restricted to areas outside of 3 miles and in less than 70 fathoms (130 meters) of water. Flatfish catch under this EFP will be limited to 70,000 lb (31,752 kg) per month. No more than 40,000 lb (18,144 kg) per month may be species other than Pacific sand dab, English sole, rock, and sand sole, or unspecified flatfish. Of the 40,000 lb (18,144 kg) per month, no more than 15,000 lb (6,804 kg) may be petrale sole. All groundfish caught under this EFP would be counted against the OYs for those species and so will not result in total harvest above expected levels. Because the bocaccio rockfish OY has not been taken (67 FR 44778, July 5, 2002) special provisions will be necessary to assure that the EFP is ended if more than negligible amounts of bocaccio rockfish are taken.

If the EFP is issued, approximately 20 vessels would be eligible to participate, with up to 6 observers being deployed at one time.

Flatfish species are abundant and commercially important off California; however, the harvest of these species is constrained by efforts to rebuild overfished species, particularly bocaccio rockfish. Fishers believe that the flatfish fishery can be prosecuted without catching bocaccio rockfish and with a much lower shelf rockfish bycatch rate than is currently assumed.

Data collected during this project are expected to benefit the management of the groundfish fishery by: (1) Providing information on catch rates of incidentally caught species by fishing location, (2) allowing for the collection of biological data that is otherwise not available from landed catch, and (3) providing data that can be used to evaluate the full retention of rockfish as

a management approach. The information gathered through this EFP may lead to future rulemaking.

NMFS determined that the proposal warranted further consideration and, therefore, consulted with the Pacific Fishery Management Council (Council). The Council considered the EFP application during its June and September 2002, meetings and recommended that NMFS issue the EFP. NMFS intends to approve the EFP fishing for October through December 2002. The applicant also requested that the EFP be effective for the months of May through October 2003. However, decisions regarding the issuance of EFPs for 2003 will be made following the Council's October-November 2002 meeting. A copy of the application is available for review from NMFS (*see ADDRESSES*).

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

Dated: September 23, 2002.

Virginia M. Fay,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 091802B]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The 81st meeting of the Western Pacific Fishery Management Council's Scientific and Statistical Committee (SSC) will convene October 8 through 10, 2002, in Honolulu, HI. The Western Pacific Fishery Management Council (Council) Advisory Panels will meet on October 10 through 12, 2002, and the Council will hold its 115th meeting October 14 through 17, 2002, in Honolulu, HI.

DATES: The SSC meeting will be held on October 8, 2002, from 9 a.m. to 5 p.m. and on October 9-10, 2002, from 8:30 a.m. to 12 noon. The Commercial, Recreational, Subsistence/Indigenous and Ecosystem and Habitat Advisory Panels will meet on October 10, 2002, from 2 p.m. to 5 p.m., on October 11 from 8:30 a.m. to 5 p.m., and on October

12, 2002, from 9 a.m. to 12 noon. The Council's Standing Committees will meet on October 14, 2002, from 8 a.m. to 5:30 p.m. The full Council meeting will be held on October 15, 2002, from 9 a.m. to 5 p.m., October 16 from 8:30 a.m. to 5 p.m., and October 17, 2002, from 8:30 a.m. to 12 noon. See **SUPPLEMENTARY INFORMATION** for specific dates and times for these meetings.

ADDRESSES: The 81st SSC, the Advisory Panel, and the Standing Committee meetings will be held at the Council Office Conference Room, 1164 Bishop St., Suite 1400, Honolulu, HI; telephone: 808 522-8220. The Council meeting will be held at the Pier 11 Gallery, 700 Fort Street, Aloha Tower, Honolulu, HI; telephone: 808-522-8220.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808-522-8220.

SUPPLEMENTARY INFORMATION:

Dates and Times

SSC

The SSC will discuss and may make recommendations to the Council on the agenda items below. The order in which agenda items will be addressed may change. Public comment periods will be provided throughout the meeting agenda. The SSC will meet as late as necessary to complete scheduled business.

Tuesday, October 8, 2002

1. Introduction
2. Approval of draft agenda and assignment of rapporteurs
3. Approval of the minutes of the 80th meeting
4. NMFS cetacean surveys in the Hawaiian Exclusive Economic Zone
5. Applied social impact analysis
6. Crustaceans fisheries (Northwestern Hawaiian Islands (NWHI) Lobsters
 - A. Report on NWHI lobster research
 7. Bottomfish fisheries
 - A. Hawaii Institute of Marine Biology research and Hawaii Undersea Research Laboratory research
 - B. Management of Guam offshore bottomfish
 8. Ensuring management decisions uses best available science

Wednesday, October 9, 2002

9. Pelagic fisheries
 - A. Hawaii and American Samoa 2002 quarterly longline reports
 - B. American Samoa limited entry program
 - C. American Samoa longline fishery scientific data program
 - D. Recreational fisheries
 - (1) Hawaii Marine Recreational Fisheries Survey