

may require intensive management efforts (Toepfer *et al.* 1990).

The factors discussed above are not considered to be threats to the subspecies because the large, stable metapopulations that occur in Colorado, Idaho, and Utah, representing roughly 97 percent of the subspecies within the U.S., would likely not be affected.

In summary, the available information indicates that the subspecies' metapopulations are relatively secure. These large metapopulations have persisted for the last several decades with no discernable downward trend, and recent information indicates that they may currently be increasing, as are the habitats available to them (SRTIM 2000). However, most of the small, isolated populations of Columbian sharp-tailed grouse will likely be extirpated within a few decades due to existing threats and current management scenarios (Bart 2000).

Conservation Measures

An inter-agency (Federal and State) team is currently preparing a conservation assessment for Columbian sharp-tailed grouse in Idaho (Ulliman *et al.* 1998). Upon its completion, the conservation strategy developed in Idaho may be used as a general model for conservation actions in other States and British Columbia.

The Colorado Division of Wildlife helped form and participates on the Northwest Colorado Columbian Sharp-tailed Grouse Work Group (Mumma, *in litt.* 1999). The work group includes interested parties representing resource industries, sportsmen's and conservation groups, and State and Federal resource agencies. The work group is currently developing a formal conservation plan, and is committed to improving conditions for the Columbian sharp-tailed grouse population in the northwest region of the State.

The Washington Department of Fish and Wildlife has prepared a management plan for Columbian sharp-tailed grouse occurring within the State (WDFW 1995), and has recently listed Columbian sharp-tailed grouse as a State threatened species (WDFW 1998a). Washington currently has a program to acquire lands for the protection and active management of Columbian sharp-tailed grouse (WDFW 1998b). Restoration and enhancement of native habitats to improve conditions for existing (and potential) populations are planned for these areas (Schroeder, pers. comm. 1995 and 1998).

Reintroduction efforts for Columbian sharp-tailed grouse have taken place in Washington, Montana, Oregon, Idaho, and Nevada (SRTIM 2000). Many early

reintroduction efforts conducted for prairie grouse (including sharp-tailed grouse) failed to produce self-sustaining populations or to increase the size or distribution of augmented populations (Toepfer *et al.* 1990). Several recent efforts have shown greater potential to be effective as the techniques for reintroductions have improved (Toepfer *et al.* 1990; Crawforth, *in litt.* 2000; Schroeder, pers. comm. 1995 and 1998; Meints, pers. comm. 1995 and 1998). However, most of these improvements have been concerned with keeping translocated birds in the immediate vicinity of the release sites during the breeding season. While some reintroduced birds have established leks and reproduced in the release area over a number of years, none of these populations can yet be considered secure (Bart 2000). Continuing reintroduction efforts are planned for Idaho, Nevada, Washington, and Oregon; and various reintroduction efforts are being considered for California, Colorado, and Montana (SRTIM 2000).

Columbian sharp-tailed grouse populations in British Columbia may be expanding on the periphery of their current range where logging activity has created suitable open, grassland habitat. While this is not an active enhancement effort, the beneficial effects of these activities are believed to last up to approximately 15 years (Ritcey 1995; Chutter, pers. comm. 1995).

Conclusion

We have reviewed the petition, literature cited in the petition, other pertinent literature and information available in our files, and consulted with biologists and researchers familiar with Columbian sharp-tailed grouse. After reviewing the best scientific and commercial information available, and considering the information's significance with regard to the five listing factors established by the Act and ongoing conservation measures, we find that listing the Columbian sharp-tailed grouse as a threatened species throughout its known historic range in the 48 contiguous United States, as petitioned is not warranted.

In making this finding, we recognize that there have been declines in Columbian sharp-tailed grouse populations primarily attributed to the loss and degradation of important shrub steppe, grassland, and riparian habitats. These impacts are likely due to a combination of factors including crop production, over-grazing by livestock, altered fire frequencies, rural and suburban development, dam construction, herbicide spraying,

recreation, and other factors. The Service's status review of the Columbian sharp-tailed grouse range wide has raised concern regarding the status of many of the small populations such that a further status review focusing on these populations will be initiated. However, the available information does not indicate that the large metapopulations of the subspecies are at increased risk of extirpation. We also recognize that various State and Federal agencies throughout the subspecies' historic distribution are actively managing the populations to try and improve their overall status and/or attempting to restore them to currently unoccupied habitats. If information becomes available indicating that listing as endangered or threatened is appropriate, we would propose to list the Columbia sharp-tailed grouse. Furthermore, we retain the option of recognizing a population segment for listing should information become available indicating that such an action is appropriate and warranted.

References Cited

A complete list of all references cited herein is available on request from the Upper Columbia River Basin Field Office, (See ADDRESSES section).

Author

The primary author of this notice is Chris Warren, U.S. Fish and Wildlife Service, 11103 East Montgomery Drive, Spokane, Washington 99206.

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

Dated: September 27, 2000.

Jamie Rappaport Clark,

Director, U.S. Fish and Wildlife Service.

[FR Doc. 00-25447 Filed 10-10-00; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[I.D. 100400F]

Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery

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

ACTION: Notice of intent to prepare a Supplemental Environmental Impact Statement (SEIS); request for comments.

SUMMARY: The New England Fishery Management Council (Council) announces its intention to prepare Framework 14 to the Atlantic Sea Scallop Fishery Management Plan (FMP). The intent of this action is to adjust the limited access scallop days-at-sea (DAS) allocations for the next 2 fishing years (March 1, 2001, through February 28, 2003); create a restricted access program for the scallop Mid-Atlantic closed areas (Hudson Canyon South and Virginia Beach), scheduled to reopen on March 1, 2001; and to close additional areas to scallop fishing to protect concentrations of juvenile scallops, reduce fishing mortality, and increase yield per recruit. The Council, in coordination with NMFS, also announces its intent to prepare an SEIS for the Atlantic Sea Scallop FMP in accordance with the National Environmental Policy Act to analyze the impacts of management alternatives.

DATES: Written comments on the intent to prepare the SEIS must be received on or before 5 p.m., local time, November 13, 2000.

ADDRESSES: Written comments should be sent to Paul J. Howard, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950. Comments may also be sent via fax to (978) 465-0492. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council, (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Background

Amendment 4 to the Atlantic Sea Scallop FMP, implemented by a final rule published January 19, 1994 (59 FR 2757), established a limited access program and a schedule of annual DAS allocations for full-time, part-time, and occasional vessels with limited access permits. The primary management tool implemented under Amendment 4 to control fishing mortality was the annual DAS allocation.

Amendment 7 to the FMP, implemented by a final rule published March 29, 1999 (64 FR 14835), changed the overfishing definition and extended the DAS-reduction schedule through 2008 to achieve a 10-year biomass rebuilding objective. To comply with the new overfishing definition and implement the rebuilding schedule, Amendment 7 revised the DAS schedule beginning March 1, 1999. To allow time for industry adjustment to the new regulations, the initial annual DAS

allocations in 1999 were 120 days for full-time vessels, 48 days for part-time vessels, and 10 days for occasional vessels. According to Amendment 7, the DAS allocations in 2000 would be reduced to 51 days for full-time vessels, 20 days for part-time vessels, and 4 days for occasional vessels, and would remain below these levels until 2007, when the biomass rebuilding targets were expected to be met. The SEIS for Amendment 7 indicated that the 2000 DAS allocations would have negative impacts on the economic viability of the vessels and the scallop fleet.

Amendment 7 also modified the framework adjustment process to allow the Council to consider closing and reopening areas, and closed two areas in the Mid-Atlantic to protect small scallops that were prevalent there, to promote stock rebuilding.

Shortly after the implementation of Amendment 7, the Council began deliberations on a longer-term process of developing Amendment 10, which would implement an area-based management system for scallops. In connection with the development of Amendment 10, the Council and NMFS published a Notice of Intent (NOI) to prepare an SEIS (65 FR 6975, February 11, 2000). The NOI announced that the Council is considering, among other things, closing areas with high concentrations of small scallops and opening them later when the scallops reach a certain size. The Council believes that shifting fishing effort in this manner could promote rebuilding, improve yield, and reduce the economic impacts of the low DAS allocations.

While Amendment 10 was being developed, the Council, through Framework 11 to the Scallop FMP (64 FR 31144, June 10, 1999) began a short-term strategy to access Closed Area II (CA II) in order to allow fishing on dense concentrations of scallops without compromising multispecies rebuilding or habitat protection. Framework 11 implemented a 1999 seasonal Georges Bank Sea Scallop Exemption Area (Exemption Area) in and adjacent to CA II and included the following primary measures for vessels fishing in the Exemption Area: A possession limit of up to 10,000 lb (4,536.0 kg) of scallop meats per trip; a maximum of three trips for full and part-time vessels and a maximum of one trip for occasional vessels; an automatic minimum deduction of 10 DAS for each trip; a minimum mesh twine-top of 10 inches (25.40 cm); a total allowable catch (TAC) of yellowtail flounder of 387 metric tons (mt); and an increase in the regulated species possession limit from 300 lb (136.1 kg) to 500 lb (226.8

kg) per trip. In addition, Framework 11 implemented a minimum mesh twine-top of 8 inches (20.32 cm) for vessels fishing under a scallop DAS when fishing outside the Exemption Area.

This strategy occurred in the 1999 and 2000 fishing years. Based on an updated assessment from the 29th Northeast Regional Stock Assessment Workshop (September 1999) and the 1999 Stock Assessment and Fishery Evaluation (SAFE) Report, the Scallop Plan Development Team determined that increasing the Amendment 7 DAS allocations for each of three permit categories to the same amounts as in the 1999 fishing year would meet the 2000 fishing mortality rate (F) target. This was contingent upon scallops in multispecies CA I, CA II, and the Nantucket Lightship Closed Area (NLCA) remaining protected, or upon maintaining conservation neutrality, if scallopers were allowed access to these closed areas. Based on this information, Framework 12 to the FMP (65 FR 11478, March 3, 2000) adjusted the limited access scallop DAS allocations for the fishing year March 1, 2000, through February 28, 2001, to 120 days for full-time vessels, 48 days for part-time vessels, and 10 days for occasional vessels.

Framework 13 to the FMP (65 FR 37903, June 19, 2000) continued the short-term strategy by implementing the 2000 Sea Scallop Exemption Program (Exemption Program), creating Exemption Areas in portions of CA I, CA II, and NLCA, and by including the following management measures: A possession limit of up to 10,000 lb (4,536.0 kg) of scallop meats per trip; a maximum number of trips for each area; an automatic minimum deduction of 10 DAS for each trip; a minimum mesh twine-top of 10 inches (25.40 cm); a yellowtail flounder TAC of 725 mt for CA I and CA II combined, and 50 mt for the NLCA; and an increase in the regulated species possession limit from 300 lb (136.1 kg) to 1,000 lb (453.6 kg) per trip, among other measures. In addition, this action modified the scallop dredge gear stowage requirements and corrected and clarified the "end of the year DAS carry-over" provision for vessels participating in the limited access scallop fishery. The primary intent of this action was to provide a continuation and an expansion of a short-term strategy to allow scallop dredge vessels access to multispecies closed areas without compromising multispecies and sea scallop rebuilding or habitat protection.

The Council is once again considering development of management measures through Framework 14 to provide for

effective conservation and management of sea scallops while Amendment 10 is being developed. This action proposes to adjust the limited access scallop DAS allocations for the next 2 fishing years (March 1, 2001, through February 28, 2003). Under this measure annual DAS would remain at 120 days for full-time vessels, 48 days for part-time vessels, and 10 days for occasional vessels. This action also proposes a restricted access program for the Mid-Atlantic scallop closed areas (Hudson Canyon South and Virginia Beach), which are currently scheduled to reopen to scallop fishing on March 1, 2000, with no restrictions. Proposed measures and provisions of this action program include: (1) all scallop limited access and open access vessels (dredge, trawl, and General Category vessels) would be allowed access; (2) a scallop TAC for each of the reopened areas; (3) an allowance of five trips per vessel; (4) a possession limit of 15,000 lb (6,804 kg) of meats per trip (400 lb (181.4 kg) of meats for the General Category vessels); (5) an automatic deduction of 10 DAS for each trip; (6) a season of April 1 through February 28, with the provision that the

Administrator, Northeast Region, NMFS, may allow additional trips for those vessels that made a trip prior to September 1, 2001; (7) an emergency landing provision, whereby vessels would only be charged one DAS for each 1,500 lb (680 kg) of meats landed, provided the vessel has experienced an emergency condition that forces the vessel to come into port earlier than anticipated; (8) a minimum mesh twine-top of 10 inches (25 cm) for scallop dredge vessels; (9) a vessel monitoring system requirement, with double-polling for the duration of the access program; (10) a TAC set-aside to allow cooperative research; and (11) a TAC set-aside to provide for observer coverage. The Council also may propose additional closed areas to protect concentrations of small scallops. Options for the closed areas include areas in both the Mid-Atlantic and Georges Bank.

Because the Mid-Atlantic closed areas are scheduled to reopen on March 1, 2001, the Council is considering in Framework 14 a restricted access program to prevent a rush of effort into the closed areas, which could

potentially diminish the benefits achieved by the closures, and to balance fishing effort between the closed and open areas of the scallop fishery.

Because Framework 14 is the third in a series of short-term measures adopted by the Council during the development of Amendment 10, the Council, in cooperation with NMFS, has determined that it may be necessary to prepare an SEIS to examine the cumulative effects and consequences of the short-term measures on the human environment. In preparing the SEIS, the Council and NMFS will take into account, in addition to comments received in response to this document, all comments that have already been submitted and all discussions that have occurred in Council meetings before the publication of this document.

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

Dated: October 5, 2000.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 00-26060 Filed 10-5-00; 3:52 pm]

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