

Nongame Migratory Bird Species of Management Concern and is the subject of numerous research efforts and conservation actions across its range. We reviewed information during the processing of this petition to indicate that the level of concern generated by these designations has been sufficient to generate heightened research and management interest in the Baird's sparrow. The Service will continue to promote these efforts to improve the biological status of the Baird's sparrow. Our current programs that benefit the Baird's sparrow include grassland easements, technical assistance to ranchers grazing native prairie and research and monitoring of grassland species.

Finding

We reviewed the petition, as well as other available information, published and unpublished studies and reports, and agency files. On the basis of the best scientific and commercial information available, we find the petition does not present substantial information that listing this species may be warranted. While the species has experienced major declines since European settlement of the prairies and the conversion of native prairie to agriculture, population trend data for this species over the last 16 years show their populations are stable. There are an estimated 171,000 to 279,000 pairs of Baird's sparrows in North Dakota (Igl and Johnson 1997). We have found no evidence to suggest that the millions of acres of breeding habitat for this species in North Dakota, Montana, and Canada face immediate threat of conversion from grassland to other agricultural uses. Canada removed the Baird's sparrow from its national list of threatened species in 1997 after a 1994 survey estimated 500,000 to 2 million pairs of Baird's sparrow in Saskatchewan (Davis et al. 1996). The petition provided no evidence to indicate that conditions on the wintering grounds threaten the continued existence of Baird's sparrow. The Baird's sparrow remains a species of special concern and the BBS and other range-wide and local surveys will continue to monitor its status.

References Cited

You may request a complete list of all references cited herein, as well as others, from the Service's North Dakota Field Office (See **ADDRESSES** section).

Author

Michael Olson (see **ADDRESSES** section) prepared this document.

Authority

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

Dated: May 13, 1999.

Jamie Rappaport Clark,

Director, Fish and Wildlife Service.

[FR Doc. 99-12844 Filed 5-20-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 600 and 648

[I.D. 050599A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Applications for Experimental Fishing Permits (EFPs)

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

ACTION: Notification of experimental fishery proposals; request for comments.

SUMMARY: NMFS announces that the Regional Administrator, Northeast Region, NMFS (Regional Administrator), is considering approval of two experimental fishing proposals. EFPs would allow vessels to conduct operations otherwise restricted by regulations governing the Northeast Multispecies Fishery, and would exempt vessels from days at sea (DAS), mesh sizes, and other gear restrictions. The first experimental fishery proposal would involve fishing for, retention and landing of silver hake (whiting), spiny dogfish, and red hake with small mesh in the Gulf of Maine/Georges Bank Regulated Mesh Area. This experiment was previously approved during the 1998 fishing season and is referred to as the Raised Footrope Whiting Trawl Experimental Fishery (Raised Footrope Trawl Experiment). The requested time period of the Raised Footrope Trawl Experiment would be modified this year taking place from June through August, instead of September through December. The second experimental fishery request is for a supplemental gear testing experiment to support the goals and objectives of the Raised Footrope Trawl Experiment. Regulations implementing the Magnuson-Stevens Fishery Conservation and Management Act provisions require publication of this notification to provide interested parties the opportunity to comment on the proposed experimental fisheries.

DATES: Comments on this notification must be received by June 7, 1999.

ADDRESSES: Comments should be sent to Jon Rittgers, Acting Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark on the outside of the envelope "Comments on Proposed Experimental Fisheries."

FOR FURTHER INFORMATION CONTACT: Bonnie Van Pelt, Fishery Management Specialist, 978-281-9244.

SUPPLEMENTARY INFORMATION: The Massachusetts Division of Marine Fisheries (MADMF) submitted an application on March 31, 1999, to refine the investigations of a previously approved small mesh experimental fishery with these two proposals. The first proposal would require the use of modified trawls (raised footrope) in six distinct areas including all of Cape Cod Bay, areas outside Cape Cod Bay, lower Massachusetts Bay, and southern and western edges of Stellwagen. This would be the third full year that the experimental fishery has operated (1995 and 1996 were pilot studies); whereby, October and November have traditionally been the most active months of participation according to sea sampling data and logbook reporting.

This experiment is designed to assess the effectiveness of a raised footrope small mesh otter trawl in reducing bycatch of regulated multispecies—primarily flatfish and other bottom dwelling species—in the silver hake (whiting) fishery. The experimental area in Cape Cod Bay was identified by the MADMF as an important area for whiting fishing by vessels primarily fishing out of Provincetown, Gloucester, and Chatham, Massachusetts. The experiment has experienced sporadic changes in bycatch which appear to be temporal and site-specific in nature. The proposed experimental fishery would allow MADMF and NMFS to consider new data on the bycatch of regulated multispecies at times not previously sampled, as well as additional information on those areas and times sampled in years past.

The second proposal submitted by MADMF would provide for a supplemental gear testing experiment to support the objectives of the Raised Footrope Trawl Experiment by continuing last year's investigation of various different refinements to the "sweep-less" trawl gear. These gear trials will only slightly modify the standard raised footrope design and it is expected that the "sweepless" trawl design will mitigate impacts to the habitat and further reduce bycatch of bottom dwelling species.

MADMF expects that 40 vessels will participate in the experimental fishery (4–6 vessels in the supplemental gear experiment), and that enrollment will be established similar to last year; historical participation and previous experience with the raised footope trawl gear operation played a role in the selection process. Further limitations on participation may be necessary depending on logbook compliance or enforcement issues identified through the NMFS review process.

EFPs would be issued to the participating vessels in both experiments in accordance with the conditions stated therein, and will exempt vessels from the mesh size, days-at-sea, and other gear restrictions of the Northeast Multispecies Fishery Management Plan during the specified seasons.

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

Dated: May 14, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99–12887 Filed 5–20–99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 99051126–9126–01; I.D. 042999A]

RIN 0648–AM67

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic States; Dolphin and Wahoo Commercial Fisheries; Control Date

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

ACTION: Advance notice of proposed rulemaking; consideration of a control date.

SUMMARY: This document announces that the South Atlantic Fishery Management Council (South Atlantic Council) is considering additional management measures to limit entry

into the commercial fisheries for dolphin (*Coryphaena hippurus*) and wahoo (*Acanthocybium solandri*) in the exclusive economic zone (EEZ) off the South Atlantic states. Possible measures include the establishment of a limited entry program to control participation or effort in the commercial fisheries for dolphin and wahoo. If a limited entry program is established, the South Atlantic Council is considering May 21, 1999, as a possible control date. Consideration of a control date is intended to discourage new entry into the fisheries based on economic speculation during the South Atlantic Council's deliberation on the issues. **DATES:** Comments must be submitted by June 21, 1999.

ADDRESSES: Comments should be directed to the South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, South Carolina 29407; Fax: 843–769–4520.

FOR FURTHER INFORMATION CONTACT: Steve Branstetter, 727–570–5305.

SUPPLEMENTARY INFORMATION: Dolphin are managed under the Fishery Management Plan (FMP) for the Coastal Migratory Pelagic Resources of the Gulf and South Atlantic (Coastal Pelagics FMP). The Coastal Pelagics FMP was prepared jointly by the Gulf of Mexico Fishery Management Council and the South Atlantic Council, and is implemented under the authority of the Magnuson-Stevens Fishery Conservation and Management Act.

The South Atlantic Council is concerned about the adverse effects of increased harvest of dolphin and wahoo off the South Atlantic states. Available landings estimates indicate that the pelagic longline fleet is now targeting dolphin throughout the South Atlantic EEZ. Commercial landings of South Atlantic wahoo have also recently increased. Consequently, an increasing opportunity exists for localized depletion of the two species, leading to an overfished stock condition and user group conflicts.

Recent constraints on participation in the South Atlantic snapper-grouper and king mackerel commercial fisheries may result in additional entrants into the dolphin and wahoo commercial fisheries. In addition, fishermen displaced from inshore state waters by recent state gear restrictions may wish

to enter the dolphin and wahoo commercial fisheries to regain lost income. New entry into these fisheries may be discouraged by establishment of a control date.

Anyone entering the dolphin and wahoo commercial fisheries after May 21, 1999, will not be assured of future access, should a management regime that limits the number of participants in those fisheries be prepared and implemented. Implementation of an effort limitation program would require preparation of a Dolphin-Wahoo FMP and/or an amendment to the Coastal Pelagics FMP, publication of notice of availability of the FMP/amendment with a comment period, publication of a proposed rule with a public comment period, approval of the FMP/amendment, and issuance of a final implementing rule.

Consideration of a control date does not commit the South Atlantic Council or NMFS to any particular management regime or criteria for entry into the dolphin and wahoo commercial fisheries. Fishermen are not guaranteed future participation in these fisheries regardless of their entry date or intensity of participation in the fisheries before or after the control date under consideration. The South Atlantic Council subsequently may choose a different control date or may choose a management regime that does not make use of a control date. The South Atlantic Council may choose to give variably weighted consideration to fishermen active in the fisheries before and after the control date. Other qualifying criteria, such as documentation of landings and sales, may be applied for entry. The South Atlantic Council also may choose to take no further action to control entry or access to the fisheries, in which case the control date may be rescinded.

This advance notice of proposed rulemaking has been determined to be not significant for purposes of E.O. 12866.

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

Dated: May 14, 1999.

Penelope D. Dalton,

Assistant Administrator for Fisheries, National Marine Fisheries Services.

[FR Doc. 99–12886 Filed 5–20–99; 8:45 am]

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