

### *E. Other Natural or Manmade Factors Affecting Its Continued Existence*

At the time of the proposed rule, a high proportion of known *Rumex orthoneurus* populations occurred as small sites in isolated mountain ranges. *Rumex orthoneurus* was thought to be vulnerable to chance extirpations because of the perceived low numbers of individuals in mostly scattered, isolated populations.

Any loss of such sites would have resulted in a significant curtailment of the species' range, and may have affected the species' ability to sustain itself over time. Wildfire was also thought to pose a significant threat, as it could be catastrophic to smaller, confined populations.

We now know that *Rumex orthoneurus* is well distributed in areas of Arizona and New Mexico. Many sites where *R. orthoneurus* is found contain thousands of plants. The present distribution and abundance of *R. orthoneurus* precludes a finding that listing the plant is warranted because chance, localized extirpations would not necessarily result in a significant curtailment of the species' range. Additionally, although wildfire can be detrimental to localized populations, wildfire is largely an isolated event. For the vast majority of known *R. orthoneurus* populations, there is no indication that wildfire is a significant threat. We find no indication of any other natural or manmade factors affecting the continued existence of *R. orthoneurus*.

### Finding and Withdrawal

Based on our review and consideration of the best scientific and commercial information available, we find that *Rumex orthoneurus* does not meet the definition of a threatened or endangered species and that its listing as a threatened species is not warranted. Recent genetic research (see Background section) and survey efforts indicate that *R. orthoneurus* has a much larger distribution than previously thought (see Factor A of the "Summary of Factors Affecting the Species" section), and not all populations are imperiled. Although mining and logging activities are suspected of affecting *R. orthoneurus*, the impacts of such activities are not widely documented, and wildfire is localized in its impacts on the plant. We can no longer conclude that *R. orthoneurus* is impacted throughout its range by the remaining threats of livestock and wildlife grazing in a manner that would threaten its continued existence.

Recognizing the need to ensure the continued existence of *Rumex orthoneurus*, the Forest Service established numerous monitoring and survey programs. Conservation strategies for the Tonto and Coronado National Forests were in place in 1993. In 1999, the Apache-Sitgreaves National Forests initiated a monitoring program (John Bedell, Apache-Sitgreaves National Forests, *in litt.* 1999), and the Carson National Forest has budgeted for additional survey efforts (Dick Braun, Carson National Forest, pers. comm. 1999). Due to the current distribution and associated level of threats to *R. orthoneurus*, we find that there is not substantial evidence to indicate that *R. orthoneurus* is threatened under the Act (likely to become endangered within the foreseeable future throughout all or a significant portion of its range).

### References Cited

- Bellsey, R. A. 1998. Summary of genetic work performed on *Rumex orthoneurus*, the Chiricahua dock. Unpublished report to the National Forest Service. 16 pp.
- Bellsey, R. and D. Mount. 1995. Analysis of *Rumex orthoneurus*, a rare species in Arizona, using RAPD markers and polymorphisms in "rbcl". In: Maschinski, J., D. H. Hammond, and L. Holter, tech. Eds. Southwestern rare and endangered plants: proceedings of the second conference. Gen Tech. Rep. RM-GTR-283. Fort Collins, CO.
- Coronado National Forest. 1993. Conservation strategy for Chiricahua dock (*Rumex orthoneurus*). U.S. Department of Agriculture, Forest Service. Tucson, Arizona. 24 pp.
- Dawson, J. E. 1979. A biosystematic study of *Rumex* in Canada and the United States. Unpublished thesis. Carleton University.
- Friar, E., H. Nam, and D. Mount. 1994. *Lilium parryi*, *Rumex orthoneurus* genetic study. University of Arizona, Tucson, Arizona. 16 pp.
- Mount, D. and B. Logan. 1993. Genetic analysis of *Rumex orthoneurus* and *Rumex occidentalis* species by the RAPD marker technique. University of Arizona, Tucson, Arizona. 15 pp.
- Phillips, A. M. III, L. T. Green III, and J. Mazzoni. 1980. Amendment to the status report on *Rumex orthoneurus*. Unpublished report to U.S. Department of Interior, Fish and Wildlife Service, Albuquerque, NM. 15 pp.
- Tonto National Forest. 1993. A conservation assessment for Blumer's dock (*Rumex orthoneurus*). Unpublished report. U.S. Department of Agriculture, Forest Service, Phoenix, Arizona. 26 pp.

**Author:** The primary author of this withdrawal notice is Darrin Thome, Arizona Ecological Services Field Office (see ADDRESSES section).

**Authority:** The authority for this action is section 4(b)(6)(B)(ii) of the Endangered

Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: July 28, 1999.

**John G. Rogers,**

*Acting Director, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 600 and 648

[I.D. 063099A]

RIN 0648-AI78

### Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fisheries of the Northeastern United States; Atlantic Herring Fishery; Atlantic Herring Fishery Management Plan; Correction

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

**ACTION:** Notice of availability of a fishery management plan; correction.

**SUMMARY:** On July 27, 1999, NMFS published a notice of availability (NOA) announcing that the New England Fishery Management Council had submitted the Atlantic Herring Fishery Management Plan for Secretarial review. Under its stated Management Measures of Concern, the NOA contained an error in its description of restrictions on the size of domestic fishing and processing vessels that would be prohibited from fishing for Atlantic herring in the exclusive economic zone (EEZ). This document corrects the error.

**DATES:** Comments must be received on or before September 27, 1999.

**FOR FURTHER INFORMATION CONTACT:** E. Martin Jaffe, Fishery Policy Analyst, 978-281-9272.

### SUPPLEMENTARY INFORMATION:

#### Background

The NOA for the Atlantic Herring FMP was published on Tuesday, July 27, 1999 (64 FR 40542). The NOA described restrictions on the size of domestic fishing and processing vessels. One measure would prohibit domestic vessels greater than or equal to 165 ft (50.3m) in length, or > 750 gross registered tons (GRT) (680.4 mt), or > 3,000 horsepower from fishing for Atlantic herring in the EEZ, but would allow domestic vessels > 165 ft (50.3m), or > 750 GRT (680.4 mt) to process herring if U.S. at-sea processing is

specified in a given year. However, the NOA inadvertently indicated that only domestic vessels greater than 165 ft (50.3m) in length, rather than equal to or greater than 165 ft (50.3m) in length, would be prohibited from fishing for Atlantic herring in the EEZ.

#### Correction

Accordingly, the publication on July 27, 1999, of the NOA (I.D. 063099A), which was the subject of document FR Doc. 99-19171, is corrected as follows:

On page 40543, in column 2, under the heading, "Restrictions on the Size of Domestic Fishing and Processing Vessels", the second line of the first sentence is corrected to read as follows:

"domestic vessels greater than or equal to 165 ft (50.3m) in"

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

Dated: August 3, 1999.

**Bruce C. Morehead,**

*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 648

(I.D. 073099E)

#### Mid-Atlantic Fishery Management Council; Public Hearings

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

**ACTION:** Public hearings, request for comments.

**SUMMARY:** The Mid-Atlantic Fishery Management Council will hold public hearings to allow for input on its Draft Tilefish Fishery Management Plan (FMP) and the Draft Environmental Assessment and Draft Regulatory Impact Review for this FMP. This FMP is designed to eliminate overfishing and rebuild the tilefish resource to the biomass that would support maximum sustainable yield (MSY) through a constant harvest strategy within a 10-year rebuilding period.

**DATES:** Written comments will be accepted through September 7, 1999. See **SUPPLEMENTARY INFORMATION** for dates and times.

**ADDRESSES:** Send comments to Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904.

The hearings will be held in Rhode Island, New York and New Jersey. See **SUPPLEMENTARY INFORMATION** for locations of the hearings.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

This FMP is proposed to eliminate overfishing and rebuild the tilefish resource to the biomass that would support the MSY through a constant harvest strategy within a 10-year rebuilding period. The projection associated with the preferred alternative would allow for total allowable landings of 1.76 million lb (798 mt) with a 50 percent probability of achieving the biomass target at the end of 10 years. The default alternative assumes a total allowable level of catch of 1.412 million lb (640 mt) with a 75 percent probability of reaching the target biomass at the end of 10 years. Commercial quotas and a time period closure are included as options in the FMP. The commercial quota would be divided into full-time, part-time, and incidental categories. A limited access program would be applied to the full-time and part-time quota categories.

The Council established a control date for the possible limitations of entrants into this fishery of June 15, 1993, published at 58 FR 33081, June 15, 1993. The Council's preferred alternative for the full-time category would require that a vessel had landed more than 50,000 lb (22.68 mt) in any 1 year between 1988 and 1993 as well as landed at least 25,000 lb (11.34 mt) per year for any 2 years between 1994 and 1998. To qualify as a part-time participant, the preferred option indicates that a vessel had to land at least 10,000 lb (4.536 mt) in any year between 1988 and June 15, 1993. The preferred alternative would add a closure to the directed (part-time and

full-time vessels) tilefish fishery for a 1 calendar month period from May through September.

Recreational fisheries management measures are addressed in the FMP as framework measures, so that no specific measures are proposed for implementation immediately upon approval of the FMP. Identification and description of essential tilefish habitat are included in the FMP as are management measures to minimize adverse gear impacts to that habitat. The preferred alternative to minimize adverse gear impacts is to prohibit directed tilefish fishing with bottom tending mobile gear and require that gear fishing in statistical areas 616 and 537 between bottom depths of 300 and 850 ft (91 and 259 m) must be modified to reduce impacts on bottom habitat.

#### Hearings

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

1. Monday, August 23, 1999, 7:00-10:00 p.m. - Crown Plaza at the Crossings (old Holiday Inn), 801 Greenwich Avenue, Warwick, RI, telephone 401-732-6000.

2. Tuesday, August 24, 1999, 7:00-10:00 p.m. - Ramada Inn, Exit 72, Long Island Expressway & Route 25, Riverhead, NY, telephone 516-369-2200.

3. Wednesday, August 25, 1999, 7:00-10:00 p.m. - Sheraton Atlantic City West, 6841 Black Horse Pike (Route 40), Atlantic City West, NJ, telephone 609-272-0200.

The hearings will be tape recorded with the tapes filed as the official transcript of the hearings.

#### Special Accommodations

These hearings are 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 at least 5 days prior to the hearing date.

Dated: August 3, 1999.

**Bruce C. Morehead,**

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

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