

Results of the 1996 Administrative Review", which is a public document on file in the Central Records Unit.)

This extension is in accordance with section 751(a)(3)(A) of the Act (19 U.S.C. 1675(a)(3)(A)).

Dated: December 9, 1998.

Holly A. Kuga,

*Acting Deputy Assistant Secretary for AD/
CVD Enforcement, Group II.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 040795A]

Endangered and Threatened Wildlife and Plants; Notice of Availability for the Final Recovery Plan for Shortnose Sturgeon

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

ACTION: Notice of availability.

SUMMARY: NMFS announces the availability of the final recovery plan for the shortnose sturgeon (*Acipenser brevirostrum*), as required by the Endangered Species Act of 1973 (ESA).

ADDRESSES: Requests for a copy of the final recovery plan should be addressed to: Nancy Haley, NMFS, 212 Rogers Avenue, Milford, Connecticut 06460.

FOR FURTHER INFORMATION CONTACT: Nancy Haley, (203) 783-4264, Marta Nammack, (301) 713-1401, or David Bernhart, (727) 570-5312.

SUPPLEMENTARY INFORMATION:

Background

The shortnose sturgeon is an endangered fish species that occurs in large coastal rivers of eastern North America. Nineteen distinct population segments of shortnose sturgeon inhabit rivers ranging from the Saint John River in New Brunswick, Canada, to the St. Johns River, Florida. In addition, a captive broodstock from the Savannah River distinct population segment and its cultured progeny are housed at three hatcheries operated by the U.S. Fish and Wildlife Service (FWS). In the late nineteenth and early twentieth centuries, shortnose sturgeon were commonly taken in a commercial fishery for the closely related, and commercially valuable, Atlantic sturgeon (*Acipenser oxyrinchus*). Shortnose sturgeon were originally listed as an endangered species by FWS

in March 1967 (32 FR 4001), under the Endangered Species Preservation Act (16 U.S.C. 668 *et seq.*). Pollution and overfishing, including bycatch in the shad fishery, were listed as principal reasons for the species' decline. Shortnose sturgeon remained on the endangered species list when Congress passed the ESA in 1973 (ESA) (16 U.S.C. 1531 *et seq.*). NMFS assumed jurisdiction for shortnose sturgeon under a 1974 government reorganization plan (39 FR 41370).

Section 4(f)(1) of the ESA directs NMFS and FWS, the Federal agencies responsible for implementing the ESA, to develop and implement recovery plans to promote conservation and survival of endangered and threatened species, unless a recovery plan would not help to promote species conservation. Highest priority is given to those species that are or may be in conflict with development projects or other commercial activities. Shortnose sturgeon spend their entire life in waters that are heavily impacted by various construction and industrial activities. Hence, the Assistant Administrator for Fisheries determined that a recovery plan, which comprehensively addresses these factors and describes ways to mitigate or minimize harm to shortnose sturgeon, was necessary to promote rangewide recovery of the species. The recovery plan for the shortnose sturgeon, prepared for NMFS by a seven-member recovery team, provides a framework for addressing a multitude of biological concerns and outlines Federal agency responsibilities under the ESA with the sole purpose of insuring long-term survival of the shortnose sturgeon. NMFS published a notice of availability of the draft recovery plan for shortnose sturgeon in the **Federal Register** on August 4, 1997 (62 FR 41951). Comments were received from eight parties during the 30-day comment period. Most comments were editorial and were incorporated as received. Some comments indicated that the readers were confused by the wording in certain sections, and NMFS tried to clarify these parts of the plan. More substantive comments from the reviewers and the NMFS' responses to these comments are listed here.

Comments and Responses

Comment 1: Several reviewers noted that much of the plan relies on data that are not available in peer-reviewed publications and that some sections are based on speculation and conjecture.

Response: NMFS used the best available information to develop this recovery plan. Unfortunately, even though there has been a relatively great

amount of research interest in shortnose sturgeon, not all aspects of its biology or factors affecting its recovery have been well documented in the scientific literature. Moreover, while detailed information on the fish exists in some parts of its range, little published data are available for other shortnose sturgeon populations. Therefore, in some cases, NMFS reported, and identified as such, recent information that has not yet been peer reviewed. Certain recovery tasks were identified to fill gaps in our knowledge of this species and factors affecting its recovery. NMFS determined that it was necessary to outline all possible impacts to this species. If future research indicates that some perceived threats are not significantly affecting shortnose sturgeon recovery, they will be omitted from future versions of the recovery plan.

NMFS has updated some sections and added additional references to support sections where reviewers noted a lack of substantiation. In addition, the References section has been amended to reflect the recent publication of information that was originally cited as unpublished data or personal communications.

Comment 2: Reviewers expressed conflicting views regarding the importance of poaching as a threat to shortnose sturgeon populations and argued from both sides that statements in the recovery plan regarding poaching are based on little hard evidence.

Response: The impact of poaching on shortnose sturgeon populations is unknown and likely varies across the range of this species. NMFS recognizes that poaching is likely to be a significant source of mortality in some population segments (e.g., southern populations). Consequently, NMFS identified poaching in the Factors Affecting Recovery Section and listed increased enforcement of the ESA section 9 prohibition to further discourage this illegal activity as a recovery task (task 2.2C). As suggested, the importance of genetic data as a forensic enforcement tool was added to the Recovery section.

Comment 3: One reviewer suggested that the potential importance of diseases should be emphasized more in the recovery plan, and another reviewer said that a greater consideration of potential threats from Atlantic sturgeon stocking was needed.

Response: Stocking of Atlantic sturgeon has been a very recent development, and there is no conclusive information concerning the impacts of this action on shortnose sturgeon. The potential for increased incidence of disease resulting from this activity is