

Dated: May 20, 2003.

**Rebecca Lent,**

*Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.*

■ For the reasons set out in the preamble,  
50 CFR part 216 is amended as follows:

#### **PART 216—REGULATIONS GOVERNING THE TAKING AND IMPORTING OF MARINE MAMMALS**

1. The authority citation for part 216  
continues to read as follows:

**Authority:** 16 U.S.C. 1361 *et seq.*, unless  
otherwise noted.

■ 2. In § 216.15, a new paragraph (h) is  
added to read as follows:

##### **§ 216.15 Depleted species.**

\* \* \* \* \*

(h) Eastern North Pacific Southern  
Resident stock of killer whales (*Orcinus  
orca*). The stock includes all resident  
killer whales in pods J, K, and L in the  
waters of, but not limited to, the inland  
waterways of southern British Columbia  
and Washington, including the Georgia  
Strait, the Strait of Juan de Fuca, and  
Puget Sound.

[FR Doc. 03-13421 Filed 5-28-03; 8:45 am]

BILLING CODE 3510-22-S

#### **DEPARTMENT OF COMMERCE**

##### **National Oceanic and Atmospheric Administration**

##### **50 CFR Part 635**

[Docket No. 021219321-2321-01; I.D.  
120901A]

RIN 0648-AQ39

##### **Atlantic Highly Migratory Species; Commercial Shark Management Measures**

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

**ACTION:** Emergency rule; extension of  
expiration date; request for comments;  
fishing season notification.

**SUMMARY:** NMFS extends the expiration  
date of the emergency rule that  
established the commercial annual  
quotas for ridgeback and non-ridgeback  
large coastal sharks (LCS) at 783 metric  
tons (mt) dressed weight (dw) and 931  
mt dw, respectively; established the  
commercial annual quota for small  
coastal sharks (SCS) at 326 mt dw; and  
suspended the regulation regarding the  
commercial ridgeback LCS minimum  
size. NMFS clarifies that the provision  
to count dead discards against the

commercial quota applies to dead  
discards by HMS fishermen only. NMFS  
also notifies eligible participants of the  
opening and closing dates for the  
second semi-annual 2003 Atlantic LCS,  
SCS, pelagic shark, blue shark, and  
porbeagle shark fishing seasons. This  
emergency rule extension is necessary  
to ensure that the regulations in force  
are based on the best available science.

**DATES:** The expiration date of the  
emergency rule published December 27,  
2002 (67 FR 78990), is extended to  
December 29, 2003.

The fishery opening for ridgeback and  
non-ridgeback LCS is effective July 1,  
2003, through 11:30 p.m., local time,  
September 15, 2003. The ridgeback and  
non-ridgeback LCS closures are effective  
from 11:30 p.m., local time, September  
15, 2003, through December 31, 2003.  
The fishery opening for SCS, pelagic  
sharks, blue sharks, and porbeagle  
sharks is effective July 1, 2003, through  
December 31, 2003, unless otherwise  
modified or superseded through  
publication of a closure notice in the  
**Federal Register**.

Comments on this action must be  
received no later than 5 p.m. on July 14,  
2003.

**ADDRESSES:** Written comments on this  
action must be mailed to Christopher  
Rogers, Chief, NMFS Highly Migratory  
Species Management Division, 1315  
East-West Highway, Silver Spring, MD  
20910; or faxed to 301-713-1917.  
Comments will not be accepted if  
submitted via email or the Internet.  
Copies of the Environmental  
Assessment and Regulatory Impact  
Review (EA/RIR) prepared for the initial  
emergency rule and copies of the  
supplemental EA prepared for this  
extension may be obtained from Karyl  
Brewster-Geisz at the same address or  
may be obtained on the web at [http://  
www.nmfs.noaa.gov/sfa/hmspg.html](http://www.nmfs.noaa.gov/sfa/hmspg.html).

**FOR FURTHER INFORMATION CONTACT:**  
Karyl Brewster-Geisz or Chris Rilling at  
301-713-2347.

**SUPPLEMENTARY INFORMATION:** The  
Atlantic shark fisheries are managed  
under the authority of the Magnuson-  
Stevens Fishery Conservation and  
Management Act (Magnuson-Stevens  
Act). The Fishery Management Plan for  
Atlantic Tunas, Swordfish, and Sharks  
(HMS FMP) is implemented by  
regulations at 50 CFR part 635.

On May 8, 2002, NMFS announced  
the availability of the first SCS stock  
assessment since 1992 (67 FR 30879).  
The Mote Marine Laboratory and the  
University of Florida provided NMFS  
with another SCS stock assessment in  
August 2002. Both these stock  
assessments indicate that overfishing is

occurring on finetooth sharks. The three  
other species in the SCS complex  
(Atlantic sharpnose, bonnethead, and  
blacknose) are not overfished and  
overfishing is not occurring.

On October 17, 2002, NMFS  
announced the availability of the LCS  
stock assessment (67 FR 64098), which  
currently constitutes the best available  
science for LCS. The results of this stock  
assessment indicate that the LCS  
complex is still overfished and  
overfishing is occurring; that sandbar  
sharks are no longer overfished but that  
overfishing is occurring; and that  
blacktip sharks are rebuilt and  
overfishing is not occurring. The peer  
review process for the 2002 LCS stock  
assessment, required under the  
December 2000 settlement agreement  
with commercial fishermen, was  
completed in mid-December, 2002.

As a result of these stock assessments,  
NMFS published an emergency rule on  
December 27, 2002 (67 FR 78990), that  
implemented management measures  
based on the best available science. The  
December 2002 emergency rule expires  
on June 30, 2003.

This extension to the December 2002  
emergency rule (1) maintains the  
commercial annual quotas for ridgeback  
and non-ridgeback LCS at 783 mt dw  
and 931 mt dw, respectively; (2)  
maintains the commercial annual quota  
for SCS at 326 mt dw; and (3) continues  
to suspend the regulation regarding the  
commercial ridgeback LCS minimum  
size. This emergency rule does not affect  
commercial management measures for  
pelagic sharks and does not affect the  
management measures for prohibited  
species or recreational fisheries.

The extension is necessary to manage  
and conserve LCS and SCS based on the  
best scientific information available.  
Without this emergency rule extension,  
the reduced LCS and SCS commercial  
quotas of 816 mt dw and 329 mt dw,  
respectively, adopted in the HMS FMP  
and based on the 1998 LCS stock  
assessment, would be in force,  
inconsistent with the terms of the court-  
approved settlement agreement and  
with National Standard 2 of the  
Magnuson-Stevens Act. The settlement  
agreement with commercial fishermen  
explicitly provided that NMFS could  
adjust LCS quotas and other  
management measures in the 1999 HMS  
FMP based on the 2002 LCS stock  
assessment after completion of a peer  
review process, but could take  
emergency action as needed based on  
the assessment pending completion of  
the review process.

NMFS is developing Amendment 1 to  
the HMS FMP for Atlantic sharks in  
response to the new stock assessments.