

affect green sturgeon larval development in those areas.

Harvest impacts on green sturgeon in this DPS, at least from fisheries in California, are thought to be minimal. Commercial fishing for green sturgeon (and white sturgeon) has been prohibited in California since the early 1900s. Direct recreational harvest does occur, primarily in San Pablo Bay, but the total harvest is thought to be very small (CDFG 2002). In addition, green sturgeon are protected by slot limits, very restrictive take limits, and a seasonal closure in central San Francisco Bay during the herring spawning season (January through March). Based on tagging studies conducted by CDFG, green sturgeon tagged in San Pablo Bay undertake extensive ocean migrations and are recaptured in commercial and recreational fisheries in both Oregon and Washington (CDFG, 2002; NMFS, 2002). Although there are harvest bycatch data for green sturgeon in these fisheries, it is not possible with the available information to directly assess the impact on green sturgeon in the southern DPS. In order to assess direct harvest impacts on this DPS, information is needed on the actual number of fish taken in these fisheries that originate from the Sacramento River spawning population as well as good estimates of the size of the Sacramento River population. These data are not currently available. Although direct harvest impacts on this DPS from the fisheries in Oregon and Washington cannot be determined at this time, the available harvest information for these fisheries suggests that overall harvest and, therefore, harvest impacts to green sturgeon have declined steadily since the mid 1980s.

Conclusion: There is no evidence from the available San Pablo Bay population information that green sturgeon abundance in the southern DPS is declining. Nevertheless, NMFS' BRT was uncertain about the status of green sturgeon in this DPS because the method of deriving population estimates involves numerous assumptions and there are no direct measures of population abundance. For these reasons, the BRT believes it is essential that immediate efforts be undertaken to implement population monitoring for this DPS using methods that directly assess population status. There is a great deal of uncertainty regarding the effects of potential risk factors on green sturgeon in this DPS. While there is some information on harvest bycatch impacts, it appears most of the identified risk factors are not well documented or are only suspected to be

risk factors. Examples of the latter include entrainment at the Delta water export facilities, impacts from exotic species introductions, impacts from contaminants, and lethal water temperatures. In the case of harvest bycatch for which there is the most information and perhaps the greatest concern, it is not possible to directly assess the impact of harvest on green sturgeon in this DPS. Nevertheless, direct harvest appears to be limited in California and harvest from fisheries in Oregon and Washington has declined substantially since the mid 1980s and even more so since the mid 1990s due to increasingly restrictive harvest management measures. These harvest reductions and associated restrictive management measures suggest that risk to green sturgeon from harvest bycatch has been reduced. Although the risk to green sturgeon from bycatch harvest may be declining, NMFS believes it may be prudent to consider additional harvest protections until population monitoring information can be obtained to assess the status of this DPS with greater certainty. Based on a review of the best available information, NMFS concludes that the southern green sturgeon DPS is not presently in danger of extinction nor is it likely to become so in the foreseeable future.

Determination

The ESA defines an endangered species as any species in danger of extinction throughout all or a significant portion of its range, and a threatened species as any species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. Section 4(b)(1) of the ESA requires that the listing determination be based solely on the best scientific and commercial data available, after conducting a review of the status of the species and after taking into account those efforts, if any, that are being made to protect such species.

After reviewing the best available scientific and commercial information for green sturgeon, NMFS concludes that the species is comprised of two DPSs that qualify as species under the ESA: (1) a northern coastal DPS consisting of populations in coastal watersheds northward of, and including, the Eel River, and (2) a southern DPS consisting of coastal or central valley populations south of the Eel River, with the only known population in the Sacramento River. Additional green sturgeon DPSs may be identified with further genetic analysis and the boundaries of these two DPS may also be modified. After assessing the risk of extinction faced by each DPS,

NMFS further determines that neither the northern or southern green sturgeon DPSs warrant listing as threatened or endangered species at this time.

Because of uncertainties in the structure and status of the DPSs, NMFS will add both DPSs to the agency's list of candidate species. Additional information is expected to be collected over the next several years and NMFS intends to reevaluate the status of green sturgeon in five years provided sufficient new information becomes available indicating that a status review update is warranted.

References

A list of references is available upon request (see **ADDRESSES**).

Authority

The authority for this section is the ESA, as amended (16 U.S.C. *et seq.*).

Dated: January 23, 2003.

Rebecca Lent,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 660

[I.D. 011303A]

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings/public hearings.

SUMMARY: The Western Pacific Fishery Management Council will meet in February (see **SUPPLEMENTARY INFORMATION** for specific times, dates, and agenda items).

ADDRESSES: The Council meeting will be held at the Governor Pedro P. Tenorio Multipurpose Center, Office of the Governor, Susupe, P.O. Box 10007, Saipan, MP 96950; telephone: 670-664-1014.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director; telephone: 808-522-8220.

SUPPLEMENTARY INFORMATION: