

Dated: July 1, 1994.

**Bruce Blanchard,**

*Deputy Director, U.S. Fish and Wildlife Service.*

[FR Doc. 94-18439 Filed 7-27-94; 8:45 am]

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**50 CFR Part 17** 146-94

**Endangered and Threatened Wildlife and Plants; Notice of Extension of Comment Period on Data Pertaining to the Subspecies Taxonomy of the California Gnatcatcher**

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of extension of public comment period.

**SUMMARY:** The U.S. Fish and Wildlife Service (Service) gives notice that the comment period on the data pertaining to the subspecies taxonomy of the California gnatcatcher is extended. The notice of availability opening the public comment period was published on June 2, 1994 (59 FR 28508) and opened the comment period until August 1, 1994. This notice extends the comment period until August 31, 1994.

**DATES:** Comments and materials must be received by August 31, 1994.

**ADDRESSES:** Copies of the subject data are available from the U.S. Fish and Wildlife Service, Carlsbad Field Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments and materials concerning these data should be submitted to the above address. The data, public comments, and other materials received will be available for public inspection during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Gail Koberich, Field Supervisor, at the address listed above (telephone 619/431-9440, facsimile 619/431-9624).

**SUPPLEMENTARY INFORMATION:**

**Background**

On March 30, 1993, the U.S. Fish and Wildlife Service (Service) published a final rule in the *Federal Register* determining the coastal California gnatcatcher to be a threatened species (38 FR 16741). In its decision to list the gnatcatcher, the Service relied, in part, on taxonomic studies conducted by Dr. Jonathan Atwood of the Manomet Bird Observatory, Manomet, Massachusetts. As is the standard practice in the scientific community, the Service did not request, nor was it offered, the data collected and used by Dr. Atwood in reaching his conclusions. Instead, the Service depended upon the conclusions

published by Dr. Atwood in a peer-reviewed scientific article on the subspecific taxonomy of the California gnatcatcher (Atwood 1991).

In response to a suit filed by the Endangered Species Committee of the Building Industry Association of Southern California and the other plaintiffs, the United States District Court of the District of Columbia vacated the listing of the coastal California gnatcatcher because the Service did not make available Atwood's data for public review and comment. In response to the court decision, Dr. Atwood released his data to the Service, which the agency made available to the public for review and comment on June 2, 1994. On June 16, 1994, the court reinstated threatened status for the coastal California gnatcatcher until the Secretary of the Interior determines whether the listing should be revised or revoked in light of his review of the subject data and public comments received during the comment period. This final finding will be published in the *Federal Register*.

On July 1, 1994, the plaintiffs requested a 100-day extension in the comment period. Because the Secretary had no objection to a 30-day extension, both parties stipulated that the comment period shall be extended to August 31, 1994.

**References Cited**

Atwood, J.L. 1991. Subspecies limits and geographic patterns of morphological variation in California gnatcatchers (*Poliptila californica*). *Bull. So. Calif. Acad. Sci.* 90:118-133.

**Authority:** The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1361 *et seq.*)

**List of Subjects**

**50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and Record Keeping Requirements, and Transportation.

**50 CFR Part 17**

Endangered and threatened species, Exports, Imports, Reporting and recordkeeping requirements, Transportation.

Dated: July 18, 1994.

**Thomas J. Dwyer,**

*Acting Regional Director, Region 1, U.S. Fish and Wildlife Service.*

[FR Doc. 94-18361 Filed 7-27-94; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 681**

[I.D. 072094A]

RIN 0648-AF82

**Crustacean Fisheries of the Western Pacific Region**

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

**ACTION:** Notice of availability of a fishery management plan amendment and request for comments.

**SUMMARY:** NMFS issues this notice that the Western Pacific Fishery Management Council (Council) has submitted Amendment 8 to the Fishery Management Plan for the Crustacean Fisheries of the Western Pacific Region (FMP) for review by the Secretary of Commerce (Secretary), and is requesting comments from the public. Amendment 8 would implement administrative changes to the FMP to address problems encountered during the first year of a limited entry and quota management program.

**DATES:** Written comments on the amendment must be received on or before September 19, 1994.

**ADDRESSES:** All comments should be sent to, Rodney R. McInnis, Acting Regional Director (RD), Southwest Region, National Marine Fisheries Service, 501 West Ocean Boulevard, Suite 4200, Long Beach, CA 90802-4213. Copies of the amendment are available upon request from the Council, 1164 Bishop Street, suite 1405, Honolulu, HI 96813 (808-522-8220).

**FOR FURTHER INFORMATION CONTACT:** Svein Fougner, NMFS, (310) 980-4034, or Alvin Katekaru, NMFS (808) 973-2939.

**SUPPLEMENTARY INFORMATION:** The Magnuson Fishery Conservation and Management Act 16 U.S.C. 1801 *et seq.* (Magnuson Act) requires that a Regional Fishery Management Council submit any amendment to a fishery management plan it has prepared to the Secretary for review, disapproval, or partial disapproval. The Magnuson Act also requires that the Secretary, upon receiving an amendment, immediately publish a notice that the amendment is available for public review and comment. The Secretary will consider all public comments received during the public comment period in determining