

Mill 2, Newburyport, MA 01950, telephone (978) 465-0492. The scoping document is accessible electronically via the Internet at <http://www.nefmc.org>.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council (978) 465-0492.

SUPPLEMENTARY INFORMATION:

Background

The U.S. Atlantic sea scallop fishery is managed as one stock complex along the east coast from Maine to Cape Hatteras, North Carolina. The Atlantic Sea Scallop FMP became effective on May 15, 1982. The FMP has been amended a number of times since then. In 1994, Amendment 4 began a limited access program for the directed scallop fleet with day-at-sea (DAS) limits and other measures to manage the scallop resource more effectively. Limited access vessels were assigned to different DAS permit categories (full-time, part-time or occasional) according to their 1985-1990 fishing activity. A "general category" permit was created for vessels that did not qualify for limited access. These vessels could apply for a general category permit and land up to 400 lb (181.4 kg) of scallops a day. At the time, this possession limit was deemed suitable and sufficient to accommodate scallop bycatch on long trips and sporadic small-scale scallop fishing near shore by non-qualifying vessels. Until now, the Council has recommended that the general category permit remain open access, meaning any vessel can qualify for a permit. Since 1999, there has been considerable growth in fishing effort and landings by vessels with general category permits, primarily as a result of resource recovery and higher scallop prices. This additional effort has been a contributing factor to why the FMP has been exceeding the fishing mortality targets. Additional measures for the Atlantic Sea Scallop FMP are being considered for two reasons: To effectively manage the general category fishery to address capacity, and to change the scallop fishing year to allow better and more timely integration of updated science into the management process.

Measures Under Consideration

The Council may consider a host of management measures to improve the effectiveness of general category management including, but not limited to, the following: Limited entry for the general category fleet; allocation of scallop resource to the general category fleet; restricting limited access scallop

vessels from fishing under general category rules; use of output controls such as a hard total allowable catch (hard TAC) for the general category fleet; use of sectors and harvesting cooperatives (dedicated access privileges) for the general category fleet; and limits on the landings of incidental scallop catch. As for a change in the scallop fishing year, the amendment will consider a range of dates in addition to the status quo date of March 1.

It is possible that during the scoping process other issues will be raised related to the purpose of this amendment, and if appropriate, those issues will be considered by the Council as well.

Scoping Process

All persons affected by or otherwise interested in scallop management are invited to participate in determining the scope and significance of issues to be analyzed by submitting written comments (see ADDRESSES) and/or by attending one of the scoping meetings. Scope consists of the range of actions, alternatives, and impacts to be considered. Alternatives include the following: not amending the management plan (taking no action), developing an amendment that contains management measures such as those discussed in this notice, or other reasonable courses of action. Impacts may be direct, indirect, or cumulative.

This scoping process will also identify and eliminate from detailed analysis issues that are not relevant or feasible. When, after the scoping process is completed, the Council proceeds with the development of an amendment to the Scallop FMP, the Council will prepare an SEIS to analyze the impacts of the range of alternatives under consideration. The Council will hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the SEIS.

Scoping Hearing Schedule

The Council will discuss and take scoping comments at the following public meetings:

1. Tuesday, February 21, 7 p.m., Rutgers Cooperative Research & Extension, 4 Moore Road, Cape May, NJ 08210; telephone (609) 465-5115.
2. Wednesday, February 22, 7 p.m., Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH 03801; telephone (603) 431-6774.
3. Thursday, February 23, 7 p.m., Hyannis Airport (Gourley Conference Room), 480 Barnstable Road, Hyannis, MA 02601; telephone (508) 775-2020.

Special Accommodations

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

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

Dated: January 31, 2006.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011806G]

Marine Mammals; File No. 918-1820

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

ACTION: Notice; issuance of permit.

SUMMARY: Notice is hereby given that Squalus, Inc., P.O. Box 301, Myakka City, FL 34251 [Marco Peters, Responsible Party] has been issued a permit to import four South American (Patagonian) sea lions (*Otaria flavescens*) for public display.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 427-2521; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

FOR FURTHER INFORMATION CONTACT: Kate Swails or Jennifer Skidmore, (301) 713-2289.

SUPPLEMENTARY INFORMATION: On November 23, 2005, notice was published in the **Federal Register** (70 FR 70788) that a request for a public display permit to import one male and three female, captive-born, juvenile sea lions from Park Atlantis, Mexico City, Mexico to Squalus' facilities in Myakka City, Florida had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16

U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a determination was made that the permitted activity is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: January 30, 2006.

Stephen L. Leathery,

Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 080905A]

Small Takes of Marine Mammals Incidental to Specified Activities; Low-Energy Seismic Survey on the Louisville Ridge, Southwest Pacific Ocean

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by harassment, incidental to conducting an oceanographic survey in the southwestern Pacific Ocean (SWPO) has been issued to the Scripps Institution of Oceanography (Scripps).

DATES: Effective from January 20, 2006, through January 19, 2007.

ADDRESSES: The authorization and application containing a list of the references used in this document may be obtained by writing to this address or by telephoning the contact listed here. The application is also available at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources, NMFS, (301) 713-2289, ext 128.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as " * * * an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On June 29, 2005, NMFS received an application from Scripps for the taking, by harassment, of several species of marine mammals incidental to conducting a low-energy marine seismic

survey program during early 2006 in the SWPO. Scripps plans to conduct a seismic survey of several seamounts on the Louisville Ridge in the SWPO as part of the Integrated Ocean Drilling Program (IODP). As presently scheduled, the seismic survey will occur from about January 21 to February 26, 2006.

The purpose of the research program is to conduct a planned scientific rock-dredging, magnetic, and seismic survey program of six seamounts of the Louisville seamount chain. The results will be used to: (1) Test hypotheses about the eruptive history of the submarine volcanoes, the subsequent formation (by subaerial erosion and submergence) of its many guyots, and motion of the hotspot plume; and (2) design an effective IODP cruise (not currently scheduled) to drill on carefully-selected seamounts. Included in the research planned for 2006 is scientific rock dredging, extensive total-field and three-component magnetic surveys, the use of multi-beam and Chirp techniques to map the seafloor, and high-resolution seismic methods to image the subsea floor. Following the cruise, chemical and geochronologic analyses will be conducted on rocks from 25 sites.

Description of the Activity

The seismic surveys will involve one vessel. The source vessel, the *R/V Roger Revelle*, will deploy a pair of low-energy Generator-Injector (GI) airguns as an energy source (each with a discharge volume of 45 in³), plus a 450-m (1476-ft) long, 48-channel, towed hydrophone streamer. As the airguns are towed along the survey lines, the receiving system will receive the returning acoustic signals.

The program will consist of approximately 1840 km (994 nm) of surveys, including turns. Water depths within the seismic survey areas are 800–2300 m (2625–7456 ft). The GI guns will be operated on a small grid (see inset in Figure 1 in Scripps (2006)) for about 28 hours at each of 6 seamounts between approximately January 28 to February 19, 2006. There will be additional seismic operations associated with equipment testing, start-up, and repeat coverage of any areas where initial data quality is sub-standard.

The *Revelle* is scheduled to depart from Papeete, French Polynesia, on or about January 21, 2006, and to arrive at Wellington, New Zealand, on or about February 26, 2006. The GI guns will be used for about 28 hours on each of 6 seamounts between about January 28th to February 19th. The exact dates of the activities may vary by a few days