

activity for which permit authorization is being requested and on its environmental effects as may be necessary to satisfy the Service's requirements to comply with the National Environmental Policy Act, other Federal laws, and Executive orders, consistent with 40 CFR 1506.5 and Departmental procedures in 516 DM 6, Appendix 1.3A.

5. Revise § 13.42 to read as follows:

**§ 13.42 Permits are specific.**

A permit is subject to the conditions of this subpart D, as well as the conditions within the regulations in this subchapter under which the permit is issued, and any other conditions deemed appropriate and included on the face of the permit at the discretion of the Director. The authorizations on the face of a permit that set forth specific times, dates, places, methods of taking or carrying out the permitted activities, numbers and kinds of wildlife or plants, location of activity, and associated activities that must be carried out; authorize certain circumscribed transactions; or otherwise permit a specifically limited matter, are to be strictly construed and will not be interpreted to permit similar or related matters outside the scope of strict construction.

**PART 21—[AMENDED]**

6. The authority citation for part 21 continues to read as follows:

**Authority:** Pub. L. 95-616; 92 Stat. 3112 (16 U.S.C. 712(2)); Pub L. 106-108.

7. Amend § 21.24 by revising paragraph (e) to read as follows:

**§ 21.24 Taxidermist permits.**

\* \* \* \* \*

(e) *Term of permit.* A taxidermist permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit will not exceed five (5) years from the date of issuance or renewal.

8. Amend § 21.25 by revising paragraph (d) to read as follows:

**§ 21.25 Waterfowl sale and disposal permits.**

\* \* \* \* \*

(d) *Term of permit.* A waterfowl sale and disposal permit issued or renewed under this part expires on the date designated on the face of the permit unless amended or revoked, but the term of the permit will not exceed five (5) years from the date of issuance or renewal.

Dated: July 30, 2003.

**Craig Manson,**

*Assistant Secretary for Fish and Wildlife and Parks.*

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**DEPARTMENT OF THE INTERIOR**

**Fish and Wildlife Service**

**50 CFR Part 21**

**RIN 1018-AI05**

**Review of Captive-Reared Mallard Regulations on Shooting Preserves**

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

**ACTION:** Notice of availability.

**SUMMARY:** This notice advises the public that a Final Draft of a review of regulations pertaining to the release and take of captive-reared mallards on licensed shooting preserves is available for public review. Comments and suggestions are requested.

**DATES:** You must submit comments pertaining to the review of regulations governing the release of captive-reared mallards by December 20, 2003.

**ADDRESSES:** Send your comments to: Jerome R. Serie, Atlantic Flyway Representative, U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 12100 Beech Forest Drive, Room 224, Laurel, Maryland 20708-4038. Copies of the Final Draft "Review of Captive-reared Mallard Regulations on Shooting Preserves" can be obtained by writing to the above address. The Final Draft may also be viewed via the U.S. Fish and Wildlife Service's Home Page at <http://migratorybirds.fws.gov>. All comments received, including names and addresses, will become part of the public record. You may inspect comments during normal business hours at the above address.

**FOR FURTHER INFORMATION CONTACT:** Jerome R. Serie, Atlantic Flyway Representative, (301) 497-5851.

**SUPPLEMENTARY INFORMATION:** On June 1, 1993, we published in the **Federal Register** (58 FR 31247) a notice of intent to review all aspects of regulations pertaining to the release and harvest of captive-reared mallards. This review was subsequently suspended until all the appropriate field studies were completed and results reviewed. On August 28, 2001, we reinitiated our review by publishing in the **Federal Register** (66 FR 45274) an updated notice of intent to review all aspects of regulations pertaining to the release and

harvest of captive-reared mallards and provided the public with background information. These regulations, stated in § 21.13 of title 50 of the Code of Federal Regulations (CFR), allow captive-reared mallards, provided they are properly marked prior to 6 weeks of age by removal of the right hind toe, banding with a seamless metal band, pinioning, or tattooing, to be possessed and disposed of in any number, at any time, by any person, without a permit. Further, this regulation stipulates that such birds may be killed by shooting only in accordance with all applicable hunting regulations governing the take of mallard ducks from the wild, with the exception provided; that such birds may be killed by shooting, in any number, at any time, within the confines of any premises operated as a shooting preserve under State license, permit, or authorization. Because captive-reared mallards are classified as a "migratory bird" by definition in 50 CFR 10.12, and simply excepted by regulations in § 21.13 allowing their take, they remain protected under the Migratory Bird Treaty Act.

We do not oppose the shooting of captive-reared mallards on shooting preserves to supplement hunting opportunities for the public when precautions are taken to control the distribution of these birds. However, since 1985, this regulation has become more broadly interpreted and some shooting preserves actively release captive-reared mallards in large numbers in free-ranging situations on their premises. Often these properties are in areas frequented by wild ducks. Because both classes of mallards (captive-reared and wild) are indistinguishable until in the hand, regulatory conflicts can arise from allowing free-ranging, captive-reared birds to be taken without bag limits during closed seasons for wild ducks. Similarly, regulations involving live decoys and baiting (50 CFR 20.21) come into effect, which necessitate a discretionary interpretation by enforcement personnel in the field. Also, releases of thousands of uncontrolled, free-flighted captive-reared mallards into areas inhabited by wild ducks pose potential threats of disease transmission and genetic introgression or hybridization, and potentially render data-gathering activities by Federal, State, and Flyway waterfowl management programs less effective. Information pertaining to these potential conflicts is discussed, and recommendations to modify these regulations are considered. The primary focus is to assess the potential effects of

the captive-reared releases and harvest on the status and management of wild migratory waterfowl.

We believe several options are available to alleviate potential conflicts and resolve management problems associated with captive-reared mallard release programs without adversely affecting the opportunities and operations on shooting preserves. Many of these options would require some modification of Federal regulations (50 CFR parts 20 and 21). We intend to explore these options and invite public comment on any options that may alleviate this problem. Comments may be sent to the address indicated under the caption **ADDRESSES**.

#### Authority

Under the Migratory Bird Treaty Act (16 U.S.C. 703–712), the Secretary of the Interior has responsibility for setting appropriate regulations for the hunting of migratory birds, with due regard for maintaining such populations in a healthy state and at satisfactory levels. The Fish and Wildlife Act of 1956 (16 U.S.C. 742 a–j) more specifically authorizes collection of such information as is necessary and to take steps as may be required to protect wildlife resources.

Dated: August 19, 2003.

**Matt Hogan,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Part 697

[Docket No. 030714172–3172–01; I.D. 063003A]

RIN 0648–AR33

#### Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery; Reopening of the Comment Period

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

**ACTION:** Advance Notice of Proposed Rulemaking (ANPR); reopening of comment period.

**SUMMARY:** In a document published in the **Federal Register** on July 21, 2003, NMFS requested comments on potential revisions to the Federal Atlantic striped bass regulations for the U.S. Exclusive

Economic Zone (EEZ) in response to recommendations from the Atlantic States Marine Fisheries Commission (Commission) to the Secretary of Commerce (Secretary). The comment period for the ANPR closed on August 20, 2003. The intent of this document is to announce the reopening of the public comment period from August 26, 2003 to September 25, 2003.

**DATES:** Written comments must be received at the appropriate address or facsimile (fax) number (see **ADDRESSES**) no later than 5 p.m. Eastern Standard Time on or before September 25, 2003.

**ADDRESSES:** Written comments must be sent to: Anne Lange, Chief, State-Federal Fisheries Division, Office of Sustainable Fisheries, NMFS, 1315 East West Highway, Room 13317, Silver Spring, MD 20910. Comments may also be sent via fax to (301) 713–0596. Comments submitted via e-mail or Internet will not be accepted.

**FOR FURTHER INFORMATION CONTACT:** Tom Meyer, Fishery Management Biologist, (301) 713–2334, fax (301) 713–0596.

**SUPPLEMENTARY INFORMATION:** As announced in the **Federal Register** on July 21, 2003 (68 FR 43074), NMFS requested comments on potential revisions to the Federal Atlantic striped bass regulations for the U.S. EEZ in response to recommendations from the Commission to the Secretary. NMFS also solicited comments on possible management measures and issues that NMFS should consider relative to these recommendations. The ANPR comment period closed on August 20, 2003. While NMFS received numerous correspondence expressing opinions about opening the EEZ during the comment period on the original ANPR, NMFS believes that additional concrete information would be useful to make a decision whether to proceed with this rulemaking. Therefore, NMFS is reopening the comment period to solicit additional data or other information that it should consider relative to making a decision regarding possible management measures to address the Commission's recommendations.

#### Background

Atlantic Striped Bass management is based on the Commission's Atlantic Striped Bass Interstate Fishery Management Plan (ISFMP), first adopted in 1981. From 1981–1994, four ISFMP Amendments were developed that provided a series of management measures that led to the rebuilding of the stocks. In 1995, the Commission declared the Atlantic striped bass population fully restored and implemented Amendment 5 to the

ISFMP to perpetuate the stock so as to allow a commercial and recreational harvest consistent with the long-term maintenance of the striped bass stock. Since then the population has expanded to record levels of abundance. To maintain this recovered population, the Commission approved Amendment 6 to the ISFMP (Amendment 6) in February 2003 (copies of Amendment 6 are available via the Commission's website at [www.asmf.org](http://www.asmf.org)). The Commission believes that the measures contained in Amendment 6 are necessary to prevent the overfishing of the Atlantic striped bass resource while allowing growth in both the commercial and recreational fishery. Development of Amendment 6 took almost four years and involved extensive input from technical and industry advisors, and provided numerous opportunities for the public to comment on the future management of the species.

Amendment 6 incorporates results of the most recent Atlantic striped bass stock assessment, developed by the Atlantic Coast States, the Commission, NMFS, and the U.S. Fish and Wildlife Service (see section 1.2.2 of Amendment 6). In summary, the 2001 stock assessment concluded that the overall abundance of the stock is very high and fishing mortality remains below the target rate. The stock's abundance increased steadily between 1982 and 1997 and since then has remained stable. The fishing mortality rate increased steadily until 1999, but decreased slightly in 2000. Amendment 6 also includes recommendations to the Secretary on the development of complementary measures in the EEZ. Management of Atlantic striped bass in the EEZ was one of the issues that was considered throughout development of Amendment 6.

#### Recommendation to the Secretary

On April 24, 2003, the Secretary of Commerce received a letter from the Commission with the following three recommendations for implementation of regulations in the EEZ: (1) Remove the moratorium on the harvest of Atlantic striped bass in the EEZ; (2) implement a 28–inch (71.1 cm) minimum size limit for recreational and commercial Atlantic striped bass fisheries in the EEZ; and (3) allow states the ability to adopt more restrictive rules for fishermen and vessels licensed in their jurisdictions.

In support of its request, the Commission provided a number of reasons to justify opening the EEZ to striped bass fishing. These reasons include:

(1) In 1995, due in part to a closure of the EEZ in 1990 to striped bass