

Massachusetts and Rhode Island were also closed to public access following the spill. Additional recreational resources were degraded and/or displaced following the incident.

Based upon the above findings, the Trustees have determined that they have jurisdiction to pursue restoration planning activities pursuant to the Oil Pollution Act of 1990, 33 U.S.C. 2702 and 2706(b)-(c).

Trustees' Determination to Conduct Restoration Activities: For the reasons discussed below, the Trustees have made the determination required by 15 CFR 990.42(a) and are proceeding with restoration planning to develop restoration alternatives that will restore, replace, rehabilitate, or acquire the equivalent of, the natural resources and/or natural resource services lost as a result of this incident.

(1) Injuries have resulted from the incident. The Trustees base this determination upon data collected and analyzed pursuant to 15 CFR 990.43 demonstrating that injuries are likely to have resulted from the incident, and include but are not limited to, the following natural resource categories: Birds and Wildlife; Shoreline; Recreational Use; and, Aquatic.

(2) Response actions have not adequately addressed the injuries resulting from the incident. Although response actions and innovative emergency restoration actions were initiated promptly, the nature of the discharge, weather and tide conditions, and the sensitivity of the environment precluded the prevention of injuries to some natural resources. It is anticipated that injured natural resources will eventually return to baseline levels, but there is a potential for significant interim losses to have occurred and to continue to occur, until return to baseline is achieved.

(3) Feasible primary and compensatory restoration alternatives exist to address injuries from this incident. Components of the restoration plan may include, but are not limited to, projects involving land acquisition, shoreline stabilization, wetland/marsh enhancement, predator control activities, protection or enhancement of bird nesting areas, and recreational area enhancements.

Public Involvement: Pursuant to 15 CFR 990.44, the Trustees will seek public involvement in restoration planning by establishing public review and comment opportunities.

Dated: July 21, 2006.

Ken Barton,

Acting Director, Office of Response and Restoration, National Ocean Service, National Oceanic and Atmospheric Administration.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071406G]

Fisheries in the Western Pacific; American Samoa Longline Limited Entry Program

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

ACTION: Notice; availability of permit upgrades.

SUMMARY: NMFS is soliciting applications for permit upgrades in the American Samoa longline limited entry program. Eight upgrade permits will be available in 2006 for holders of Class A vessel permits (i.e., less than or equal to 40 ft or 12.2 m in length) to upgrade to permits for larger vessels (Class B-1, C-1, or D-1). The upgrade permits are available only to Class A permit holders who participated in the fishery before March 22, 2002. The highest priority for receiving an upgrade permit will be given to the person with the earliest date of documented participation.

DATES: Completed applications for permit upgrades must be received by NMFS by September 26, 2006.

ADDRESSES: Completed applications should be sent to NMFS Pacific Islands Region, Attn: ASLE Permit Upgrade, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700.

Application forms may be obtained from NMFS Pacific Islands Region, 1601 Kapiolani Blvd., Suite 1110, Honolulu, HI 96814-4700, or the NMFS Pacific Islands Region website: <http://swr.nmfs.noaa.gov/pir/>.

FOR FURTHER INFORMATION CONTACT: Walter Ikehara, NMFS Pacific Islands Region, (808) 944-2275.

SUPPLEMENTARY INFORMATION: On May 25, 2005, NMFS published a final rule (70 FR 29646) that established a limited entry program for the pelagic longline fishery based in American Samoa, under Amendment 11 to the Fishery Management Plan for Pelagic Fisheries in the Western Pacific Region. American Samoa longline limited entry permits

were established for four vessel size classes, based on length, as follows:

1. Class A – less than or equal to 40 ft (12.2 m);
2. Class B (and B-1) – over 40 ft (12.2 m) to 50 ft (15.2 m) inclusive;
3. Class C (and C-1) – over 50 ft (15.2 m) to 70 ft (21.3 m) inclusive; and
4. Class D (and D-1) – over 70 ft (21.3 m).

A total of 60 initial American Samoa longline limited entry permits were issued, 22 in Class A, five in Class B, 12 in Class C, and 21 in Class D. These numbers are the limits on the number of allowed American Samoa longline limited entry permits for each size class, as defined by the regulations setting the maximum limit on permits under the limited entry program (50 CFR 665.36(f)).

The limited entry program allows for 26 upgrade permits to be made available for the exclusive use of permit holders in Class A, distributed over a four-year period following the issuance of initial limited entry permits. In 2006, eight upgrade permits will be available (four in Class B-1, two in Class C-1, and two in Class D-1). The Regional Administrator may initially issue Class B-1, C-1, and D-1 upgrade permits only to holders of Class A permits who participated in the American Samoa pelagic longline fishery before March 22, 2002 (50 CFR 665.36h)). The highest priority will be given to those with the earliest date of documented participation. Those receiving upgrade permits must surrender their Class A permits, and the surrendered permits are deducted from the allowed Class A permit total.

This notice is intended to announce the availability of permit upgrades and to solicit applications for the upgrades. Complete applications must include the completed and signed application form (available from NMFS, see **ADDRESSES**), legible copies of documents supporting historical participation in the American Samoa pelagic longline fishery, and payment for the non-refundable application processing fee. Documents supporting participation should show that fishing was conducted using longline gear. Properly completed applications must be received by NMFS (see **ADDRESSES**) by September 26, 2006 to be considered for eligibility for the 2006 permit upgrades.

Authoritative information on the American Samoa limited entry program may be found in the 50 CFR Part 665.

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

Dated: July 25, 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. 070306C]

Vessel Monitoring Systems; Amendment to the Announcement of Mobile Transmitter Unit and Enhanced Mobile Transmitter Unit Reimbursement Program; Additional Eligibility Criteria

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

ACTION: Amendment to the notice of vessel monitoring systems reimbursement program.

SUMMARY: On July 21, 2006, NMFS announced the availability of approximately \$4.5 million in grant funds for fiscal year (FY) 2006 for vessel owners and/or operators who have purchased a Mobile Transmitter Unit (MTU) or Enhanced-Mobile Transmitter Unit (E-MTU) for the purpose of complying with fishery regulations requiring the use of Vessel Monitoring Systems (VMS) which became effective during FY 2006. The funds will be used to reimburse vessel owners and/or operators for the purchase price of the MTU or E-MTU. These amendments are intended to correct the contact information for the Pacific States Marine Fisheries Commission (PSMFC) located under **FOR FURTHER INFORMATION CONTACT** and **ADDRESSES** and to declare an additional reimbursement eligibility criteria.

ADDRESSES: The correct contact information for a reimbursement application is Pacific States Marine Fisheries Commission (PSMFC), 205 SE Spokane Street, Suite 100, Portland, OR 97202, phone 503-595-3100, fax 503-595-3232.

To obtain copies of the list of NOAA-approved VMS mobile transmitting units and NOAA-approved VMS communications service providers write to the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: The correct contact information for questions regarding reimbursement

applications is Randy Fisher, Executive Director, Pacific States Marine Fisheries Commission (PSMFC), 205 SE Spokane Street, Suite 100, Portland, OR 97202, phone 503-595-3100, fax 503-595-3232.

For questions regarding MTU or E-MTU type approval or information regarding the status of VMS systems being evaluated by NOAA for approval, contact Jonathan Pinkerton, National VMS Program Manager, phone 301-427-2300; fax 301-427-0049.

For questions regarding VMS installation or activation checklists, contact the VMS Support Center, NOAA Fisheries Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910, phone 888-219-9228, fax 301-427-0049.

SUPPLEMENTARY INFORMATION: In addition to the eligibility requirements detailed in the July 21, 2006 (71 FR 41425) notice, the following requirement regarding vessel owners and/or operators with outstanding unpaid civil monetary penalties shall also apply.

Additional Eligibility Criteria

To be eligible to receive reimbursement vessel owners and/or operators must not be in arrears with a payment owed to the Agency for a civil monetary penalty. Affected vessel owners and/or operators may become eligible for the reimbursement if the outstanding penalty is paid in full within 30 days of the denial of the reimbursement. After payment, vessel owners and/or operators must contact the VMS Support Center and provide documentation to support the defrayment of the penalty to receive a confirmation code for reimbursement purposes.

Dated: July 25, 2006.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fishery Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 053106C]

Notice of Availability of Draft Stock Assessment Reports

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS reviewed the Alaska, Atlantic, and Pacific regional marine mammal stock assessment reports (SARs) in accordance with the Marine Mammal Protection Act (MMPA). SARs for marine mammals in the Alaska, Atlantic, and Pacific regions were revised according to new information. NMFS solicits public comments on draft 2006 SARs.

DATES: Comments must be received by October 26, 2006.

ADDRESSES: The 2006 draft stock assessment reports are available in electronic form via the Internet at <http://www.nmfs.noaa.gov/pr/sars/>.

Copies of the Alaska Regional SARs may be requested from Robyn Angliss, Alaska Fisheries Science Center, NMFS, 7600 Sand Point Way, NE BIN 15700, Seattle, WA 98115-0070.

Copies of the Atlantic and Gulf of Mexico Regional SARs may be requested from Gordon Waring, Northeast Fisheries Science Center, 166 Water St., Woods Hole, MA 02543.

Copies of the Pacific Regional SARs may be requested from Tina Fahy, Southwest Regional Office, NMFS, 501 West Ocean Boulevard, Long Beach, CA 90802-4213.

Send comments or requests for copies of reports to: Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: Stock Assessments. Comments may also be sent via facsimile (fax) to 301-427-2516 or via e-mail to mmsar.2006@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Tom Eagle, Office of Protected Resources, 301-713-2322, ext. 105, e-mail Tom.Eagle@noaa.gov; Robyn Angliss 206-526-4032, e-mail Robyn.Angliss@noaa.gov, regarding Alaska regional stock assessments; Gordon Waring, 508-495-2311, e-mail Gordon.Waring@noaa.gov, regarding Atlantic regional stock assessments; or Tina Fahy, 562-280-4060, e-mail Christina.Fahy@noaa.gov, regarding Pacific regional stock assessments.

SUPPLEMENTARY INFORMATION:

Background

Section 117 of the Marine Mammal Protection Act (MMPA) (16 U.S.C. 1361 *et seq.*) requires NMFS and the U.S. Fish and Wildlife Service (FWS) to prepare stock assessments for each stock of marine mammals occurring in waters under the jurisdiction of the United States. These reports must contain