

Amendment), as submitted by the Caribbean Fishery Management Council (Council).

**ADDRESSES:** Requests for copies of the Generic EFH Amendment (two volumes), which includes an environmental assessment, should be sent to the Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577, Phone: 787-766-5926; FAX: 787-766-6239.

**FOR FURTHER INFORMATION CONTACT:** Georgia Cranmore, 727-570-5305.

**SUPPLEMENTARY INFORMATION:** The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) requires each regional fishery management council to submit any FMP or amendment to NMFS for review and approval, disapproval, or partial approval.

NMFS published guidelines to assist the regional fishery management councils in the description and identification of EFH in FMPs, including identification of adverse impacts from both fishing and non-fishing activities on EFH and identification of actions required to conserve and enhance EFH (62 FR 66531, December 19, 1997).

On November 20, 1998, NMFS published a notice of public availability of the Generic EFH amendment, and requested comments (63 FR 64463). A 60-day public comment period on the amendment ended on January 19, 1999. No regulations were published for this amendment. A summary of the comments received and NMFS' responses are provided below.

#### Agency Decision

After considering the Council's Generic EFH Amendment and the public comments received, NMFS advised the Council on February 18, 1999, that it had partially approved the amendment. Specifically, NMFS advised that the amendment was approved for its 17 selected species and corals but that EFH designations were lacking for the remaining managed species and approval of these designations was deferred to a subsequent amendment. NMFS advised the Council that as soon as possible it should identify and describe EFH for the remaining species or, alternatively, identify ecological relationships between the selected species and the remaining species in the FMPs' fishery management units in order to justify using the selected species as representatives. NMFS indicated that it would work with the Council to obtain necessary additional scientific

information (and noted efforts underway) that will assist the Council in its completion of these EFH designations in the near future.

#### Comments and Responses

During the comment period on the Generic EFH Amendment, NMFS received two written comments.

*Comment:* Because a number of the species affected by the Generic EFH Amendment, including queen conch, are distributed both inside and outside U.S. waters in the Caribbean, cooperation with other governments in that region will be necessary to achieve effective conservation and management.

*Response:* NMFS agrees with this statement and plans to continue to assist in efforts to develop Caribbean-wide management plans for these species.

*Comment:* A commenter recommended disapproval of the fishing gear impact sections of the amendment. Although the commenter recognized that additional research is needed to fully evaluate effects of fishing gear on EFH, the commenter believes action must be taken now to mitigate adverse impacts on coral and other habitats. The commenter provided specific recommendations for action on limiting the use of traps and nets for the reef fish, spiny lobster and coral FMPs.

*Response:* NMFS believes that the Council could not have completed the biological and socioeconomic analyses needed to support management measures to limit fishing gear and still meet the mandated time frame of the EFH amendment. NMFS notes that the Council plans to address gear effects during 1999 and is preparing background documents for options regarding a trap reduction program for the reef fish and spiny lobster fisheries.

NMFS believes that the Council's EFH amendment adequately addresses fishing impacts on EFH and provides the basis for future actions when more information is available.

*Comment:* A commenter requested that the non-fishing related impact portion of the EFH amendment be disapproved because it does not include procedures for evaluating potential impacts of state and Federal permit applicants on a case-by-case basis. The commenter provided recommendations on procedures for consultations with other agencies on EFH, including the need for thorough public review of the process and its conclusions.

*Response:* The Magnuson-Stevens Act does not require the Councils to develop consultation procedures. NMFS has published procedures for Federal and state agencies and the Councils to use to coordinate, consult, or provide

recommendations on Federal or state activities that may adversely impact EFH (50 CFR Part 600, Subpart K). Councils are encouraged to develop their own internal procedures for the development of Council recommendations but this is not a required element of their EFH amendments.

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

Dated: March 23, 1999.

**Andrew A. Rosenberg,**  
Deputy Assistant Administrator for Fisheries,  
National Marine Fisheries Service.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 031899A]

#### IFQ Halibut Fisheries Off Alaska; Fisheries of the Exclusive Economic Zone Off Alaska; Application for an Experimental Fishing Permit

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

**ACTION:** Notice of receipt of an experimental fishing permit.

**SUMMARY:** This notice announces receipt of an application from the Washington Sea Grant Program for an Experimental Fishing Permit (EFP). If awarded, this permit would be used to test the effectiveness of seabird avoidance measures in the hook-and-line groundfish fisheries of the Bering Sea and Aleutian Islands Area (BSAI) and the Gulf of Alaska (GOA) and in the Individual Fishing Quota (IFQ) Pacific halibut fishery off Alaska. It is intended to promote the objectives of the North Pacific Fishery Management Council (Council).

**ADDRESSES:** Copies of the EFP application are available by writing to Steven Pennoyer, Administrator, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori Gravel.

**FOR FURTHER INFORMATION CONTACT:** Kim S. Rivera, 907-586-7424.

**SUPPLEMENTARY INFORMATION:** The Fishery Management Plan for Groundfish of the GOA and the Fishery Management Plan for the Groundfish Fishery of the BSAI and the implementing regulations at 50 CFR 679.6 and 600.745(b) authorize issuance of EFPs to allow fishing that would otherwise be prohibited. Procedures for

issuing EFPs are contained in the implementing regulations.

NMFS received an application for an EFP from Edward F. Melvin, University of Washington, Washington Sea Grant Program, on February 23, 1999. The purpose of the EFP is to conduct an experiment to assess alternative seabird bycatch avoidance measures for hook-and-line gear fisheries off Alaska. Results from the experiment could be used by NMFS to establish more effective regulatory measures to reduce seabird bycatch in these fisheries.

In accordance with § 679.6(c)(2), NMFS has determined that the proposal warrants further consideration and has initiated consultation with the Council. The Council will consider the EFP application during its April 19–23, 1999, meeting, which will be held at the Hilton Hotel, Anchorage, AK. The applicant has been invited to appear in support of the application.

A copy of the application is available for review from the NMFS Regional Administrator (see ADDRESSES).

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

Dated: March 23, 1999.

**Bruce C. Morehead,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

## DEPARTMENT OF THE INTERIOR

### U.S. Fish and Wildlife Service

[I.D. 031199B]

#### Marine Mammals; File No. 930–1486

**AGENCIES:** National Marine Fisheries Service, National Oceanic and Atmospheric Administration (NMFS), Commerce; Fish and Wildlife Service (FWS), Interior.

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that U.S. Geological Survey (USGS), Western Ecological Research Center, Dixon Field Station 6924 Tremont Road, Dixon, CA 95620 has applied in due form for a permit to take various cetacean and pinniped species, and southern sea otter and sea birds for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before April 28, 1999.

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

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289);

Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001); and

Chief, Branch of Permits, Office of Management Authority, FWS, 4401 N. Fairfax Drive, Room 432, Arlington, VA 22203 (1–800–358–2104).

Written comments or request for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 or Chief, Branch of Permits, Office of Management Authority, U.S. Fish and Wildlife Service, 4401 N. Fairfax Drive, Room 700, Arlington, VA 22203. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at NMFS (301) 713–0376 or FWS 703/358–2281, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

**FOR FURTHER INFORMATION CONTACT:** Ruth Johnson or Sara Shapiro, 301/713–2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR parts 216 and 18).

USGS requests authorization to conduct low altitude aerial surveys of marine mammals, including southern sea otters and sea birds in the Southern California Bight and adjacent waters.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**,

NMFS is forwarding copies of these applications to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: March 11, 1999.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.*

Dated: March 19, 1999.

**Margaret Tieger,**

*Chief, Branch of Permits, Office of Management Authority, Fish and Wildlife Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 032299C]

#### Marine Mammals; File No. P368D

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

**ACTION:** Receipt of application for amendment.

**SUMMARY:** Notice is hereby given that Dr. James T. Harvey, Moss Landing Marine Laboratories, P.O. Box 450 Moss Landing, CA 95039–0450, has requested an amendment to scientific research Permit No. 938 (File No. P368D).

**DATES:** Written or telefaxed comments must be received on or before April 28, 1999.

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

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910 (301/713–2289); and

Regional Administrator, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213 (562/980–4001).

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular amendment request would be appropriate.

Comments may also be submitted by facsimile at (301) 713–0376, provided