

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 110199A]

Magnuson-Stevens Act Provisions; Overfished Fisheries

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

ACTION: Notice of overfished fisheries.

SUMMARY: In its annual report to Congress on the status of marine fish stocks, NMFS has identified 98 overfished stocks and 5 stocks that are approaching a condition of being overfished, while 127 species are not overfished and the condition of another 674 species is not known. The report is prepared to comply with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act (SFA). The purpose of this document is to notify the public that the Regional Fishery Management Councils (Councils) or the Secretary of Commerce with respect to Atlantic highly migratory species have been informed of those fisheries that are overfished, and that they are required under the Magnuson-Stevens Act to initiate action to end overfishing, rebuild stocks in overfished fisheries, and prevent overfishing in fisheries that are approaching an overfished condition.

FOR FURTHER INFORMATION CONTACT: George H. Darcy, NMFS, 301-713-2341.

SUPPLEMENTARY INFORMATION:**Background**

This action is required by the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) as amended by the SFA, which was signed into law on October 11, 1996. Section 304(e) of the Magnuson-Stevens Act requires that the Secretary of Commerce (Secretary) report annually to the Congress and the Councils on the status of fisheries within each Council's geographical area of authority and identify those fisheries that are overfished or are approaching a condition of being overfished. For those fisheries managed under a Fishery Management Plan (FMP) or international agreement, the status is to be determined using the criteria for overfishing specified in such FMP or agreement. A fishery is classified as approaching a condition of being overfished if, based on trends in fishing effort, fishery resource size, and other appropriate factors, the Secretary estimates that the fishery will become

overfished within 2 years. Pursuant to section 304 of the Magnuson-Stevens Act, the Councils, and the Secretary for Atlantic highly migratory species, were notified on October 29, 1999, of the species that were overfished or approaching an overfished condition.

The 1999 report finds that a total of 98 species are "overfished," 127 species are classified as "not overfished," 5 species are "approaching an overfished condition," and for 674 species the status is "unknown." Conservation efforts and/or updated data on some fisheries allowed managers to remove 10 species from the overfished list while adding 18 new species. Six species that had been "approaching an overfished condition" were removed from that list, but 1 new species was added to this year's report. In addition, a lack of information to satisfy the more complex overfishing definition required under the SFA caused 79 species to be moved from the "not overfished" category to the "unknown" designation. The new statutory definition requires that status determination criteria must specify both a maximum fishing mortality or reasonable proxy, and a minimum stock size threshold or reasonable proxy.

A copy of the report is also available through the internet at

<<<http://kingfish.ssp.NMFS.gov/SFA>>>.

Dated: November 5, 1999.

Gary C. Matlock,

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

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I. D.102299C]

Marine Mammals; File No. 962-1530

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that The North Carolina State Museum of Natural Sciences, 102 North Salisbury Street, Raleigh, NC 27063, has applied in due form for a permit to take one blue whale (*Balaenoptera musculus*) skeleton for purposes of scientific research and educational display.

DATES: Written or telefaxed comments must be received on or before December 10, 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 13130, Silver Spring, MD 20910 (301-713-2289);

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive, St. Petersburg, FL 33702-2432 (813-570-5301)

Regional Administrator, NMFS, Northeast Region, One Blackburn Drive, Gloucester, MA 01930 (978-281-9250)

FOR FURTHER INFORMATION CONTACT: Thomas McIntyre, 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.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The applicant seeks a scientific research permit to import the skeleton of a blue whale recovered from an animal which stranded in the waters of the Gulf of St Lawrence, Canada in 1978. The specimen will be accessioned and cataloged in the research collections of the North Carolina State Museum. The specimen will be prepared for exhibit in the Museum. The NC State Museum of natural Sciences is a public institution funded by the State of North Carolina offering programs for education and public display.

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 activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Written comments or requests 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. 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 (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no