

June 22, 2000. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** This meeting will be held at the Danford's Inn, 25 E. Broadway, Port Jefferson, NY; telephone: 1-800-332-6367.

*Council address:* Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302-674-2331.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302-674-2331, ext. 19.

**SUPPLEMENTARY INFORMATION:** On Tuesday, June 20th, the Squid, Mackerel and Butterfish Committee will meet from 1:00-5:00 p.m. On Wednesday, June 21st, the Dolphin/Wahoo Committee will meet from 8:00-9:00 a.m. The Comprehensive Management Committee will meet from 9:00-12:00 p.m. The Habitat Committee will meet from 1:00 p.m. until 4:00 p.m. The Executive Committee will meet from 3:00 p.m. until 5:00 p.m. On Thursday, June 22nd, the Law Enforcement Committee will meet from 8:00 a.m. until 9:00 a.m. Council will convene at 9:00 a.m. and will be in session until 1:00 p.m.

Agenda items for this meeting are: Discuss actions necessary to remedy disapproved portion of Amendment 8 (gear impacts on Essential Fish Habitat) to the Squid, Mackerel, and Butterfish Fishery Management Plan (FMP). Consider additional areas to be identified as Essential Fish Habitat for *Illex*. Consider revising quota setting procedure for *Illex* (allow in-season quota adjustment). Consider extending moratorium on entry to *Illex* fishery. Consider measures to protect *Loligo* egg masses (possible season/area closures). Consider controlled access plan for Atlantic mackerel fishery. Review and comment on South Atlantic Fishery Management Council Dolphin/Wahoo FMP. Develop recommendation(s) regarding Dolphin/Wahoo for presentation to and action by MAFMC. Discuss and prioritize cooperative research items associated with MAFMC's research set aside initiative. Discuss and provide comments on "NMFS Budget Review Project. Discuss and identify Council's habitat research priorities. Discuss and clarify role of committee regarding meeting Council's habitat responsibilities. Review MAFMC's first half budget status/performance. Discuss audit report findings for FY95, FY96, FY97, and FY98. Discuss recent Executive Order regarding establishment of marine

reserves. Comment on enforceability of Dolphin/Wahoo proposed management measures. Finalize and approve Fishery Award Program and related forms. Approve operational guidelines for the Law Enforcement Committee. The Council will also approve minutes from its May, 2000 meeting, review and comment on May meeting actions, and receive organizational reports from the NMFS Regional Administrator, NMFS Science Center Director, NOAA Office of General Counsel, U.S. Fish and Wildlife, Federal Enforcement units and the Atlantic States Marine Fisheries Commission. It will also receive Committee reports from the following committees: New England Council, South Atlantic Council, Demersal, Squid, Mackerel, and Butterfish, Dolphin/Wahoo, Comprehensive Management, Habitat, Executive and Law Enforcement.

Although non-emergency issues not contained in this agenda may come before the MAFMC for discussion, these issues may not be the subject of formal Council action during this meeting. MAFMC action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the MAFMC's intent to take final actions to address such emergencies.

#### Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 31, 2000.

**Richard W. Surdi,**

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

[FR Doc. 00-14200 Filed 6-5-00; 8:45 am]

**BILLING CODE 3510-22-F**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D.052400A]

#### Marine Mammals; File No. 555-1565

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

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that James T. Harvey (Principal Investigator), Moss Landing Marine Laboratories, P.O. Box 450, Moss Landing, CA 95039, has applied in due form for a permit to take Pacific harbor seals (*Phoca vitulina richardsi*) for purposes of scientific research.

**DATES:** Written or telefaxed comments must be received on or before July 6, 2000.

**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);

Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802 (562/980-4001); and

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Seattle, WA 98115 (206/526-6150).

**FOR FURTHER INFORMATION CONTACT:** Simona Roberts or Ruth Johnson, 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 part 216).

The applicant seeks authorization to capture, handle and tag 1,600 Pacific harbor seals per year of all age and sex classes near haul-out sites throughout California, Oregon and Washington. Captured seals would be subject to all or some of the following activities: blood and tissue sampling, flipper tagging, PIT tagging, branding, lavaging, and video camera attachment. Acoustic playback experiments and scat collection would also take place around the haul-out sites. In addition, the applicant seeks authorization to surgically implant radio tags in 15 captive, rehabilitated Pacific harbor seals and to conduct feeding studies on 12 captive, rehabilitated Pacific harbor seals.

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 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.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: May 31, 2000.

**Ann D. Terbush,**

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

[FR Doc. 00-14198 Filed 6-5-00; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 050500F]

**Taking of Threatened or Endangered Marine Mammals Incidental to Commercial Fishing Operations; Proposed Permit**

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

**ACTION:** Notice of proposal for issuance of permit; request for comments.

**SUMMARY:** NMFS proposes to issue a permit for a period of three years, to authorize the incidental, but not intentional, taking of four stocks of threatened or endangered marine mammals by the California/Oregon drift gillnet fishery. The four stocks are: (1) Fin whale, California/Oregon/Washington stock; (2) Humpback whale, California/Oregon/Washington-Mexico stock; (3) Steller sea lion, eastern stock; and (4) Sperm whale, California/Oregon/Washington stock. This authorization is based on a determination that this incidental take will have a negligible impact on the affected marine mammal stocks.

**DATES:** Comments must be received at the appropriate address or fax number

(see **ADDRESSES**), no later than 5 p.m. Pacific Standard Time, by July 21, 2000. Comments will not be accepted if submitted via e-mail or Internet.

**ADDRESSES:** Comments on this proposed permit and requests for reference materials should be sent to Tim Price, Protected Resources Division, National Marine Fisheries Service, Southwest Region, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213. Comments may also be sent via facsimile (fax) to 562-980-4027.

**FOR FURTHER INFORMATION CONTACT:** Tim Price, NMFS, Southwest Region, Protected Resources Division, (562) 980-4029.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(E) of the Marine Mammal Protection Act (MMPA) requires the authorization of the incidental taking of individuals from marine mammal stocks listed as threatened or endangered under the ESA in the course of commercial fishing operations if NMFS determines that: (1) incidental mortality and serious injury will have a negligible impact on the affected species or stock; (2) a recovery plan has been developed or is being developed for such species or stock under the ESA; and (3) where required under section 118 of the MMPA, a monitoring program has been established, vessels engaged in such fisheries are registered in accordance with section 118 of the MMPA, and a take reduction plan has been developed or is being developed for such species or stock.

On August 31, 1995 (60 FR 45399), NMFS issued permits for fisheries meeting the conditions under section 101(a)(5)(E) of the MMPA. At that time, NMFS did not issue a permit to the California/Oregon drift gillnet fishery for the California/Oregon/Washington-Mexico humpback whale stock or the California/Oregon/Washington sperm whale stock because NMFS was unable to determine that the estimated mortality and serious injury incidental to commercial fishing operations was negligible. In addition, in 1995, NMFS did not consider issuing a permit for the incidental mortality and serious injury of the California/Oregon/Washington fin whale stock because there had been no reported incidental takes at that time, and NMFS had no reason to anticipate any such takes. However, NMFS did determine that the mortality and serious injury incidental to commercial fishing operations was negligible for the eastern Steller sea lion stock and issued a permit for that stock. On December 30, 1998 (63 FR 71894), NMFS extended the permit until June 30, 1999. At that time, NMFS announced that it was reviewing

the criteria for issuance of permits and evaluating whether the criteria were adequate or if changes should be made. No comments were received. On May 27, 1999 (64 FR 28800), NMFS proposed the issuance of permits for those fisheries that have negligible impacts on marine mammal stocks listed as threatened or endangered under the ESA for a period of 3 years. In addition, that document provided further guidance about the process for determining negligible impact. A permit for the mortality and serious injury of the Steller sea lion incidental to the California/Oregon drift gillnet fishing operations was also proposed. Based on new information, NMFS did not finalize the proposed permits.

Since 1995, NMFS has gathered additional data on the status of listed marine mammals. Based on the more recent survey data and analyses, the Stock Assessment Reports contain revised estimates of potential biological removal (PBR) levels. PBR is defined in the MMPA as "the maximum number of animals, not including natural mortalities, that may be removed from a stock while allowing that stock to reach or maintain its optimum sustainable population" (16 U.S.C. 1362(20)). Also, since 1995, NMFS has developed and implemented the Pacific Offshore Cetacean Take Reduction Plan (the Plan) (62 FR 51805) for the California/Oregon drift gillnet fishery. The initial goal of a take reduction plan is to reduce marine mammal bycatch in the fishery to levels below PBR for all stocks. Since the implementation of the Plan, overall cetacean mortality in this fishery has been reduced by 70 percent. For these reasons, NMFS is re-evaluating whether issuance of a permit under section 101(a)(5)(E) of the MMPA for the California/Oregon drift gillnet fishery is appropriate.

**Process and Criteria for Issuing Permits**

Section 101(a)(5)(E) of the Marine Mammal Protection Act (MMPA) requires the authorization of the incidental taking of individuals from marine mammal stocks listed as threatened or endangered under the ESA in the course of commercial fishing operations if NMFS determines, among other criteria, that incidental mortality and serious injury will have a negligible impact on the affected species or stock. "Negligible impact" as defined in 50 CFR 216.103 and as applies here is, "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."