

conclusion of each calendar year. This report must contain;

(1) An estimate of the number of marine mammals disturbed by the authorized activities;

(2) Results of the monitoring required in § 216.115 (b), and (c) any additional information required by the Letter of Authorization. A final annual monitoring report must be submitted to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final annual monitoring report.

(d) A draft comprehensive monitoring report on all marine mammal monitoring and research conducted during the period of these regulations must be submitted to the Director, Office of Protected Resources, NMFS at least 120 days prior to expiration of this subpart or 120 days after the expiration of this subpart if renewal of this subpart will not be requested. A final comprehensive monitoring report must be submitted to the NMFS within 30 days after receiving comments from NMFS on the draft report. If no comments are received from NMFS, the draft report will be considered to be the final comprehensive monitoring report.

#### **§ 216.116 Applications for Letters of Authorization.**

To incidentally take marine mammals pursuant to this subpart, the U.S. citizen (as defined by § 216.103) conducting the activity identified in § 216.110(a) (MBNMS) must apply for and obtain either an initial Letter of Authorization in accordance with §§ 216.117 or a renewal under § 216.118.

#### **§ 216.117 Letter of Authorization.**

(a) A Letter of Authorization, unless suspended or revoked, will be valid for a period of time not to exceed the period of validity of this subpart, but must be renewed annually subject to annual renewal conditions in § 216.118.

(b) Each Letter of Authorization will set forth:

(1) Permissible methods of incidental taking;

(2) Means of effecting the least practicable adverse impact on the species, its habitat, and on the availability of the species for subsistence uses (i.e., mitigation); and

(3) Requirements for mitigation, monitoring and reporting.

(c) Issuance and renewal of the Letter of Authorization will be based on a determination that the total number of marine mammals taken by the activity as a whole will have no more than a negligible impact on the affected species or stock of marine mammal(s).

(d) The U.S. Citizen, i.e., the MBNMS, operating under an LOA must clearly describe in any permits issued to the individuals conducting fireworks displays, any requirements of the LOA that the individuals conducting fireworks are responsible for.

#### **§ 216.118 Renewal of Letters of Authorization.**

(a) A Letter of Authorization issued under § 216.106 and § 216.117 for the activity identified in § 216.110(a) will be renewed annually upon:

(1) Notification to NMFS that the activity described in the application submitted under § 216.116 will be undertaken and that there will not be a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming 12 months;

(2) Timely receipt of the monitoring reports required under § 216.115(b), and the Letter of Authorization issued under § 216.117, which has been reviewed and accepted by NMFS; and

(3) A determination by the NMFS that the mitigation, monitoring and reporting measures required under § 216.114 and the Letter of Authorization issued under §§ 216.106 and 216.117, were undertaken and will be undertaken during the upcoming annual period of validity of a renewed Letter of Authorization.

(b) If a request for a renewal of a Letter of Authorization issued under §§ 216.106 and 216.118 indicates that a substantial modification to the described work, mitigation or monitoring undertaken during the upcoming season will occur, the NMFS will provide the public a period of 30 days for review and comment on the request. Review and comment on renewals of Letters of Authorization are restricted to:

(1) New cited information and data indicating that the determinations made in this document are in need of reconsideration, and

(2) Proposed changes to the mitigation and monitoring requirements contained in these regulations or in the current Letter of Authorization.

(c) A notice of issuance or denial of a renewal of a Letter of Authorization will be published in the **Federal Register**.

#### **§ 216.119 Modifications to Letters of Authorization.**

(a) Except as provided in paragraph (b) of this section, no substantive modification (including withdrawal or suspension) to the Letter of Authorization by NMFS, issued pursuant to §§ 216.106 and 216.117 and

subject to the provisions of this subpart shall be made until after notification and an opportunity for public comment has been provided. For purposes of this paragraph, a renewal of a Letter of Authorization under § 216.118, without modification (except for the period of validity), is not considered a substantive modification.

(b) If the Assistant Administrator determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.110(b), a Letter of Authorization issued pursuant to §§ 216.106 and 216.117 may be substantively modified without prior notification and an opportunity for public comment. Notification will be published in the **Federal Register** within 30 days subsequent to the action.

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **50 CFR Part 660**

[I.D. 042406G]

### **Notice of Public Hearings for Measures to End Bottomfish Overfishing in the Hawaii Archipelago**

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

**ACTION:** Notice of public hearings.

**SUMMARY:** NMFS announces three public hearings on the Draft Supplemental Environmental Impact Statement, Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region, Measures to End Bottomfish Overfishing in the Hawaii Archipelago (DSEIS). The DSEIS was prepared pursuant to the National Environmental Policy Act of 1969 (NEPA), as amended, the Council on Environmental Quality NEPA regulations, and NOAA Administrative Order Series 216-6 Environmental Review Procedures for Implementing the National Environmental Policy Act. **DATES:** The public hearings will be held May 18, 22, and 25, 2005, respectively. For specific dates, times and locations of the public hearings, and the agenda see **SUPPLEMENTARY INFORMATION**.

**ADDRESSES:** The DSEIS is accessible electronically through the NMFS Pacific Islands Regional Office Web site at <http://swr.nmfs.noaa.gov/pir> or at the Western Pacific Fishery

Management Council (Council) website at <http://www.wpcouncil.org>. State of Hawaii public libraries were provided with copies of the DSEIS to be made available for inspection. Copies of the DSEIS may also be obtained from Keith Schultz, NEPA Specialist; 1601 Kapiolani Boulevard, Suite 1110, Honolulu, HI 96814, 808-944-2276. Please specify when requesting if you would prefer a hard copy of the document, otherwise a CD may be provided. State of Hawaii public libraries were also provided with copies of the DSEIS.

Comments or questions submitted on the DSEIS must be received by May 30, 2006. Written comments should be submitted by mail to: William L. Robinson, Pacific Islands Regional Administrator, National Marine Fisheries Service, 1601 Kapiolani Blvd., Honolulu, HI 96814. Comments may be submitted by facsimile (fax) to 808-973-2941. Electronic comments may be submitted by e-mail to include in the comment subject line the following document identifier: Bottomfish Overfishing DSEIS, or through the internet at the Federal eRulemaking Portal: <http://www.regulations.gov>. A copy of your comments should be submitted to Rodney F. Weiher, PhD., NEPA Coordinator, by mail to the NOAA Strategic Planning Office (PPI/SP), SSMC3, Room 15603, 1315 East-West Highway, Silver Spring, Maryland 20910; by fax to 301-713-0585; or by e-mail to [nepa.comments@noaa.gov](mailto:nepa.comments@noaa.gov).

The public comment period began on April 14, 2006, with the publication of the Notice of Availability of the DSEIS in the **Federal Register** by the Environmental Protection Agency and will continue until May 30, 2006. Written and oral comments will be given equal weight, and NMFS will consider all comments received by May 30, 2006, in preparing the Final Supplemental Environmental Impact Statement. Comments received after that date will be considered to the extent practicable.

**FOR FURTHER INFORMATION CONTACT:** For general information on the NEPA process or to request a copy of the

DSEIS, contact: Keith Schultz, NEPA Specialist, as indicated in the **ADDRESSES** section of this document. **SUPPLEMENTARY INFORMATION:**

### Background Information

On May 27, 2005, the Regional Administrator for the NMFS Pacific Islands Region notified the Council that overfishing of the bottomfish species complex is occurring within the Hawaiian Archipelago. In accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), the Council is preparing an amendment to the Bottomfish FMP to end overfishing in the bottomfish complex in the Hawaiian Archipelago. Bottomfish in the Hawaiian Archipelago are a collection, or complex, of deep-slope snappers, groupers, and jacks. The primary species addressed in the DSEIS are the "Deep 7" bottomfish species. The Deep 7 bottomfish species are: onaga (*Etelis corsucans*), ehu (*Etelis carbunculus*), gindai (*Pristipomoides zonatus*), kalekale (*Pristipomoides sieboldii*), hapuupuu (*Epinephelus quernus*), opakapaka (*Pristipomoides filamentosus*), and lehi (*Aphareus rutilans*). The DSEIS examines Hawaii's bottomfish fisheries, describes the alternatives being considered to end the overfishing, and identifies the impacts associated with each alternative.

### Proposed Federal Action

The proposed Federal action in the DSEIS is the approval of an amendment to end overfishing of Hawaii's archipelagic bottomfish multi-species stock complex by the Secretary of Commerce and the implementation and enforcement of the amendment's regulatory measures by NMFS. The proposed Federal action in the DSEIS would be the implementation of a seasonal closure between May 1 and August 31 prohibiting the targeting, possession, landing, or selling of any of Hawaii's Deep 7 bottomfish species. However, if the State of Hawaii does not commit to promulgate seasonal closure regulations, the proposed Federal action would be the implementation of a closure of Middle and Penguin Banks to

the targeting, possession, landing, or selling of any of Hawaii's Deep 7 bottomfish species from Middle and Penguin Banks.

### Guideline Hearing Agenda

All attendees wishing to comment during the public hearing must register during the registration period for the hearing.

### Availability of the DSEIS

The following format will be used as a guideline for conducting the hearing.

1. Open the Hearing
  2. Introductions and Hearing Procedures
  3. Presentation of the Proposed Action and the Alternatives
  4. Opportunity for Public to Ask Questions to Clarify Points Made in the Presentation
  5. Public Comment
  6. Close the Hearing
- Dates, Times and Locations of Public Hearings
- (1) Maui, HI—Thursday, May 18, 2006, from 7–9 p.m., at the Maui Beach Hotel, 170 Maahumanu Ave., Maui, island of Maui Beach Hotel, 170 Kaahumanu Avenue, Kahului, HI 96732;
  - (2) Kauai, HI—Monday, May 22, 2006, from 7–9 p.m., at the Chiefess Kamakahelei Middle School, 4431 Nuhou St, Lihue, HI 96766; and
  - (3) Honolulu, HI—Thursday, May 25, 2006, from 7–9 p.m. at the Ala Moana Hotel, 410 Atkinson Drive, Honolulu, Oahu.

### Special Accommodations

These hearings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Keith Schultz, 808-944-2276, at least five (5) business days prior to the meeting date.

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

Dated: April 25, 2006.

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