

TABLE 1 - SPECIES OF CONCERN LIST—Continued

Common Name	Scientific Name	Family	Area of Concern ¹
bumphead parrotfish	<i>Bolbometopon muricatum</i>	Scaridae	Indo-Pacific-Red Sea and East Africa to the Line Islands and Samoa; north to Yaeyama, south to the Great Barrier Reef and New Caledonia; Paulau, Caroline, Mariana in Micronesia; in U.S. it occurs in Guam, American Samoa, CNMI and the Pacific Remote Island Areas (Wake Islands).
Atlantic wolffish	<i>Anarhichas lupus</i>	Anarhichadidae	Atlantic-Georges Bank and western Gulf of Maine.
white marlin	<i>Tetrapturus albidus</i>	Istiophoridae	Atlantic.
cowcod	<i>Sebastes levis</i>	Scorpaenidae	Pacific-Central OR to central Baja California and Guadalupe Island, Mexico.
bocaccio	<i>Sebastes paucispinis</i>	Scorpaenidae	Pacific-Southern DPS (Northern CA to Mexico).
Atlantic halibut	<i>Hippoglossus hippoglossus</i>	Pleuronectidae	Atlantic-Labrador to southern New England.
speckled hind	<i>Epinephelus drummondhayi</i>	Serranidae	Atlantic-NC to Gulf of Mexico.
warsaw grouper	<i>Epinephelus nigritus</i>	Serranidae	Atlantic-MA southward to Gulf of Mexico.
Nassau grouper	<i>Epinephelus striatus</i>	Serranidae	Atlantic-NC southward to Gulf of Mexico.
<i>Brachiopoda</i>			
inarticulate brachiopod	<i>Lingula reevii</i>	Lingulidae	Pacific-Hawaii, only Kaneohe Bay.
<i>Mollusks</i>			
pink abalone	<i>Haliotis corrugata</i>	Haliotidae	Pacific-Point Conception, CA, to Bahia de Tortuga, Baja California.
black abalone	<i>Haliotis cracherodii</i>	Haliotidae	Pacific-OR, CA, Baja California.
green abalone	<i>Haliotis fulgens</i>	Haliotidae	Pacific-Point Conception, CA, to Bahia Magdalena, Baja California.
pinto abalone	<i>Haliotis kamtschatkana</i>	Haliotidae	Pacific-Sitka, AK, to Point Conception, CA.
<i>Anthozoans (Corals)</i>			
Hawaiian reef coral	<i>Montipora dilitata</i>	Acroporidae	Pacific-Hawaii (Kaneohe Bay, Midway atoll, and Maro Reef).
ivory bush coral	<i>Oculina varicosa</i>	Oculinidae	Atlantic-West Indies, Bermuda, NC, FL, Gulf of Mexico, Caribbean.

¹ Defines the general geographic area or populations of concern for the species.

DPS = distinct population segment, which is a species for purposes of the ESA.

ESU = evolutionarily significant unit, which is a DPS or species for purposes of the ESA

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 101206A]

Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; request for comments.

SUMMARY: The Assistant Regional Administrator for Sustainable Fisheries, Northeast Region, NMFS (Assistant Regional Administrator) has made a preliminary determination that the subject exempted fishing permit (EFP) application contains all the required information and warrants further consideration. The Assistant Regional Administrator has also made a preliminary determination that the activities authorized under the EFP would be consistent with the goals and

objectives of the Northeast (NE) Multispecies Fishery Management Plan (FMP). Based on preliminary review of this project, a Categorical Exclusion (CE) from requirements to prepare either an Environmental Impact Statement (EIS) or an Environmental Assessment (EA) under the National Environmental Policy Act (NEPA) appears to be justified. However, further review and consultation may be necessary before a final determination is made to issue the EFP. Therefore, NMFS announces that the Assistant Regional Administrator proposes to recommend that an EFP be issued that would allow two commercial fishing vessels to conduct

fishing operations that are otherwise restricted by the regulations governing the fisheries of the Northeastern United States. The EFP, which would enable the applicants to investigate the feasibility of using a trawl net with buoyant ground cables and a buoyant sweep to reduce seabed contact and improve species selectivity, would allow for exemptions from the FMP as follows: Gulf of Maine (GOM) Rolling Closure Areas II, III, IV, and V for two vessels; and an exemption from the days-at-sea (DAS) effort control requirements for one vessel.

Regulations under the Magnuson-Stevens Fishery Conservation and Management Act require publication of this notification to provide interested parties the opportunity to comment on applications for proposed EFPs.

DATES: Comments must be received on or before November 1, 2006.

ADDRESSES: Written comments should be sent to Patricia A. Kurkul, Regional Administrator, NMFS, Northeast Regional Office, 1 Blackburn Drive, Gloucester, MA 01930. Mark the outside of the envelope "Comments on the Buoyant Ground Cables Study." Comments may also be sent via facsimile (fax) to (978) 281-9135, or submitted via e-mail to: *DA6-213@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Mark Grant, Fishery Management Specialist, (978) 281-9145, fax (978) 281-9135.

SUPPLEMENTARY INFORMATION: A complete application for an EFP was submitted on August 21, 2006, by Kelo Pinkham of the F/V Jeanne C for a joint project with Dana Morse, of Maine Sea Grant, that is funded by the Northeast Consortium (NEC). The primary goal of this research is to develop and test a trawl net with buoyant ground cables and a buoyant sweep to reduce seabed contact and increase species selectivity. The intent of the applicants is to demonstrate that the experimental net, if successful, could potentially be suitable as an alternate gear for vessels fishing in areas requiring a haddock separator trawl and/or fishing areas of hard bottom with the use of mid-water doors.

The project would be conducted during the fall of 2006 and spring of 2007 and would include flume tank trials and 25 days of at-sea trials. An experimental otter trawl net, which would have floats incorporated along both the ground cables and the sweep, as well as drop chains integrated along the sweep, would first be constructed and flume tested. After the flume trials, one vessel would conduct 5 days of at-

sea research using video cameras and a net-mind system to tune the performance of the net. A net-mind system is a net monitoring system that enables monitoring and managing the performance of the trawl. During these first 5 at-sea days, the net would have an open codend. After determining the best configuration of ground cables, floats, drop chains, and sweep position using the cameras and net-mind system, the experimental net would be transferred to the second vessel for fishing trials. This second vessel would conduct an additional 20 at-sea days of research, during which the experimental net would be compared with a standard design otter trawl net as a control during experimental fishing. During these comparative fishing trials, this single vessel would conduct four 2-hour tows per day, alternating each tow between fishing the experimental net and fishing the control net. Cameras mounted on the nets and on tow sleds would be used to monitor the seabed before and after towing, as well as net performance and fish behavior in the mouth of the net.

All fish caught would be weighed and as many fish as possible would be measured. All undersized fish, and fish that cannot legally be retained, would be returned to the sea as quickly as practicable after measurement and examination. The overall catch estimates expected for this project can be found in Table 1. The applicants anticipate that a total of 20,000 lb (9,072 kg) of haddock and pollock (combined), the two target species, would be harvested throughout the course of the study, along with 14,000 lb (6,350 kg) of non-targeted catch and discards, including 8,000 lb (3,629 kg) of GOM cod. The estimated cod catch is 66 percent of the current daily possession limit of 600 lb (272 kg) (50 percent of the daily limit of 800 lb (363 kg) proposed in Framework Adjustment 42) for the proposed number of DAS. All legal-sized fish, within the possession limit, would be sold, with the proceeds returned to the NEC for the purpose of enhancing future research.

TABLE 1: ESTIMATED TARGETED CATCH, NON-TARGETED CATCH AND DISCARD BY SPECIES

Species	Targeted Catch	Non-Targeted Catch and Discards
Haddock	10,000 lb (4,536 kg)	0
Pollock	10,000 lb (4,536 kg)	0

TABLE 1: ESTIMATED TARGETED CATCH, NON-TARGETED CATCH AND DISCARD BY SPECIES—Continued

Species	Targeted Catch	Non-Targeted Catch and Discards
Cod	0	8,000 lb (3,629 kg)
Gray Sole	0	2,000 lb (907 kg)
American Plaice	0	2,000 lb (907 kg)
Monkfish	0	2,000 lb (907 kg)

All at-sea research would be conducted from two fishing vessels, each of which would be fishing in a different area. This EFP would cover the F/V Ocean Reporter (permit # 221596, O.N. 694848) and the F/V Jeanne C (permit # 230524, O.N. 610415). The F/V Ocean Reporter would conduct the 5 days of at-sea video and gear tuning work in the area between the western border of the Western GOM Closure Area (42°15' N. lat., 70°15' W. long.; and 43°15' N. lat., 70°15' W. long.) and the shore. The F/V Jeanne C would conduct the 20 days of at-sea experimental fishing in an area northeast of the Western GOM Closure Area and northwest of the Cashes Ledge Closure Area (see Table 2). Both vessels would fish exclusively outside the Western GOM Closed Area.

TABLE 2: COORDINATES FOR EXPERIMENTAL FISHING AREA BY F/V JEANNE C

Point	N. Lat.	W. Long.
1	43°38'	69°40'
2	43°38'	69°21'
3	43°20'	69°40'
4	43°20'	69°21'
5	43°38'	69°40'

The applicants have asked for an exemption to the regulations at 50 CFR 648.81(f)(1)(ii) through (v), GOM Rolling Closure Areas II, III, IV, and V, for both the F/V Ocean Reporter and F/V Jeanne C (for 5 DAS and 20 DAS, respectively) due to a belief that there will be a better mixture of flounders, pollock, haddock, and cod for testing the experimental gear present in the waters of the western GOM during these seasonal closures. Operation during these seasonal

closures would also increase the availability of the commercial vessels to work with scientists on the project because these coastal day boats are unable to conduct normal commercial fishing operations during these seasonal closures.

The applicants have also requested an exemption to the DAS regulations at 50 CFR 648.82(a) for the F/V Ocean Reporter while conducting the 5 at-sea days of video and gear tuning work because the researchers would tow the nets with the codend open. With the exception of a small number of fish that could be gilled by the net mesh, no fish would be removed from the water during these 5 at-sea days of video and gear tuning work. During the 20 at-sea days of comparative fishing trials, the F/V Jeanne C would use A DAS and would be subject to all day and trip possession limits.

The applicants may request minor modifications and extensions to the EFP throughout the year. EFP modifications and extensions may be granted without further notice if they are deemed essential to facilitate completion of the proposed research and have minimal impacts that do not change the scope or impact of the initially approved EFP request.

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

Dated: October 12, 2006.

James P. Burgess,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 100306G]

Incidental Takes of Marine Mammals During Specified Activities; Maintenance Dredging Around Pier 39, San Francisco, California

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

ACTION: Notice; proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from the Bay Marina Management Incorporated (BMMI) for the re-issuance of an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by Level B harassment only, incidental to

dredging on the west side of the Pier 39 Marina on the San Francisco waterfront, CA. NMFS issued an IHA for these activities in October, 2005; however, BMMI will be unable to complete the work by the time the 2005 IHA expires on October 16, 2006. Therefore, BMMI has requested a new IHA to cover the completion of the previously analyzed and authorized action. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to BMMI for the take, by Level B Harassment only, of small numbers of California sea lions and Pacific harbor seals.

DATES: Comments and information must be received no later than November 16, 2006.

ADDRESSES: Comments on the application should be addressed to Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225. The mailbox address for providing email comments is PR1.100306G@noaa.gov. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources, NMFS, (301) 713-2289, ext 166.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...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."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

Summary of Request

On September 14, 2006, NMFS received a request from BMMI to re-issue an IHA for the take, by harassment, of small numbers of California sea lions (*Zalophus californianus*) and Pacific harbor seals (*Phoca vitulina*) incidental to the maintenance dredging the I, J, and K Docks on the west side of Pier 39 Marina on the San Francisco waterfront, California. NMFS issued an IHA for these activities in October, 2005 (70 FR 69955); however, BMMI will be unable to complete the work by the time the 2005 IHA expires on October 16, 2006. Therefore BMMI has asked for a new IHA to cover the completion of the previously analyzed and authorized action.