

ACTION: Issuance of an exempted fishing permit.

SUMMARY: NMFS announces the issuance of an exempted fishing permit (EFP) for the South Carolina Aquarium (applicant), located in Charleston, South Carolina. The EFP would authorize the applicant, with certain conditions, to collect for public display annually, for two years, an average of 25 specimens each of numerous species of marine invertebrates and marine fish from Federal waters off South Carolina. This EFP is similar to the previous EFP issued to the applicant that expired on June 30, 2000.

DATES: The newly issued EFP is effective January 1, 2001, through December 31, 2002.

ADDRESSES: Copies of the EFP are available from Peter Eldridge, Southeast Regional Office, NMFS, 9721 Executive Center Drive N., St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Peter Eldridge, 727-570-5305; fax 727-570-5583; e-mail: peter.eldridge@noaa.gov.

SUPPLEMENTARY INFORMATION: The EFP is issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and the regulations at 50 CFR 600.745(b).

The South Carolina Aquarium (SCA), located in Charleston, is a public, non-profit, self-supporting institution for the understanding and conservation of South Carolina's natural aquatic habitats, with extensive field study and outreach programs and with free admission to groups of school children.

The applicant intends, over a period of 2 years, to collect annually for public display an average of 25 specimens each of 76 species of marine invertebrates and 221 species of marine fish from the EEZ off South Carolina, using a variety of fishing gears and the fish anesthetic, quinaldine.

The proposed collection involves activities otherwise prohibited by regulations implementing the Fishery Management Plans for Coral, Coral Reefs, and Live/Hard Bottom Habitats, Golden Crab, Shrimp, Spiny Lobster, Red Drum, Coastal Migratory Pelagics, and Snapper-Grouper Fisheries of the South Atlantic Region (FMPs). The EFP authorizes the applicant, consistent with the terms of the EFP, to harvest and possess corals, live rock, golden crab, rock shrimp, red drum, wreckfish, warsaw grouper, and other snapper-grouper species taken from Federal waters off South Carolina. In addition, the EFP authorizes, consistent with the

terms of the EFP, the use of quinaldine in a coral area and the possession of spiny lobster, bluefish, cobia, king and Spanish mackerel, groupers and snappers, greater amberjack, hogfish and red porgy below the minimum size limit in excess of established bag limits or taken with prohibited gear.

The EFP has a number of conditions concerning the harvest of prohibited species and corals and the gear that can be employed, including bycatch restrictions. The EFP requires an annual report to NMFS that lists specimens that have been taken.

The applicant also intends to collect a large number of species that are either not subject to Federal fishery management in the South Atlantic Region or included under a fishery management plan that contains no management measures restricting possession or harvest. The applicant was referred to the NMFS Highly Migratory Species Division for authorization to collect Atlantic highly migratory species, such as sharks and tunas, for public display.

A notice of receipt of the application for this permit was published in the **Federal Register** on August 30, 2000 (65 FR 52701). In addition to announcing the receipt of the application, public comments were requested; no public comments were received. Also, consistent with the requirements of 50 CFR 600.745(b)(3)(i), NMFS provided copies of the EFP application to the State of South Carolina, the South Atlantic Fishery Management Council, and U.S. Coast Guard along with the following required information: Information on the EFP's effects on target and incidental species; citations of the regulations that, without the EFP, would prohibit the proposed collection activity; and other biological information relevant to the EFP proposal. None of these consulted entities expressed any objections to the issuance of the EFP.

Failure of the permittee to comply with the terms and conditions of the EFP may be grounds for revocation, suspension or modification of this EFP or for civil or criminal sanctions.

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

Dated: December 26, 2000.

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

[I.D. 122800D]

Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing and Scientific Research Permits

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

ACTION: Issuance of 2001 Exempted Fishing and Scientific Research Permits; request for comments.

SUMMARY: NMFS announces the intent to issue exempted fishing permits (EFPs) and scientific research permits (SRPs) for the collection of Atlantic highly migratory species. These EFPs/SRPs would authorize collections of a limited number of tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean and Gulf of Mexico for the purposes of scientific data collection and public display. The EFPs will be valid through May 31, 2001, at which time revised regulations regarding permit issuance procedures and conditions are scheduled to go into effect and revised permits may be issued. NMFS also announces the intent to issue EFPs upon receiving applications from U.S. fishermen whose vessels fish for Atlantic highly migratory species while operating under contract with interests in other fishing nations. These EFPs would allow a U.S. fishing vessel to fish so as to be consistent with another country's regulations without violating U.S. regulations, and would ensure that such vessels report to the proper authorities.

DATES: Written comments on these collection, research and fishing activities will be considered by NMFS in issuing such EFPs/SRPs if received on or before January 19, 2001.

ADDRESSES: Send comments to Christopher Rogers, Acting Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. The EFP/SRP applications and copies of the regulations under which EFPs/SRPs are issued may also be requested from this address. Comments also may be sent via facsimile (fax) to (301)713-1917. Comments will not be accepted if submitted via e-mail or Internet.

FOR FURTHER INFORMATION CONTACT: Sari Kiraly, 301-713-2347; fax: 301-713-1917.

SUPPLEMENTARY INFORMATION: EFPs and SRPs are requested and issued under the

authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic highly migratory species.

Issuance of EFPs and/or SRPs may be necessary because possession of certain shark species is prohibited, possession of billfishes on board commercial fishing vessels is prohibited, and because the commercial fisheries for bluefin tuna, swordfish and large coastal sharks may be closed for extended periods, during which collection of live animals and/or biological samples would otherwise be prohibited. In addition, NMFS regulations at 50 CFR 635.32 regarding implantation or attachment of archival tags in Atlantic highly migratory species require prior authorization and a report on implantation activities.

NMFS also seeks public comment on its intention to issue EFPs for the purpose of collecting biological samples under at-sea fisheries observer programs. NMFS intends to issue EFPs to any NMFS or NMFS-approved observer to bring onboard and possess, for scientific research purposes, biological sampling, measurement, etc., any Atlantic swordfish, Atlantic shark, or Atlantic billfish, provided the fish is a recaptured tagged fish, a dead fish prior to being brought onboard, or specifically authorized for sampling by the Director of the Office of Sustainable Fisheries at the request of the Southeast Fisheries Science Center or Northeast Fisheries Science Center. In total, 169 swordfish and 44 sharks were collected by at-sea observers under such EFPs in 2000.

Collection of bluefin tuna would be authorized for scientific research age and growth, genetic, and spawning studies. In 2000, five permits for bluefin tuna archival tagging and research were issued. In 2001, pursuant to ICCAT recommendations calling for research that addresses bluefin tuna spawning locations, NMFS intends to issue SRPs and/or EFPs for U.S. participation in an international program that could involve the landing of up to 15 metric tons of bluefin tuna for scientific sampling. This would be in addition to SRPs and EFPs issued for other tuna research.

NMFS also intends to continue to issue EFPs to vessel operators requesting offloading windows in the Atlantic Swordfish fishery, in the event the swordfish fishery is closed and a

vessel is not equipped with a vessel monitoring system that would enable it to remain at sea after the announced closure date. NMFS anticipates that commercial EFP applicants would be captains of larger vessels out on extended trips at the time of a closure announcement. These applicants would benefit from delayed offloading by avoiding market gluts and cold storage problems.

Several EFPs have been issued in the past authorizing the retention of Atlantic Skipjack tuna as an allowable incidental species while fishing for other species using coastal driftnet gear. Comments have been received that vessels intend to participate in this fishery during 2001, and NMFS intends to issue a limited number of EFPs again to collect vessel effort information and to monitor bycatch of all species caught by coastal driftnetters while fishing for other species.

NMFS also seeks public comment on its intention to issue EFPs for distant water pelagic longline vessels for the purpose of expanding access of U.S. vessels into other markets while continuing to collect information about U.S. fishing effort and landings. NMFS would consider applications from any U.S. Atlantic pelagic longline vessel. NMFS intends to issue such EFPs to any U.S. vessel fishing under contract to another nation, provided its landings and discards are consistent with ICCAT recommendations and, due to the requirements of the contract, those landings are being reported to ICCAT by that other nation or otherwise appropriately accounted for.

NMFS is also seeking public comment on its intention to issue EFPs for the collection of restricted species of sharks for the purposes of public display. In the HMS FMP, NMFS established a public display quota of 60 metric tons wet stweight for this purpose. NMFS has preliminarily determined that up to 3,000 sharks could be taken with this current quota and such harvest would be consistent with the most recent environmental impact statement prepared for this fishery. NMFS believes that harvesting this amount for public display will have a minimal impact on the stock. In 2000, 14 EFPs were issued for the collection of sharks for display purposes.

Generally, the authorized collections or exemptions would involve activities otherwise prohibited by regulations implementing the Final Fishery Management Plan for Atlantic Tunas, Swordfish and Sharks (HMS FMP) and Amendment 1 to the Atlantic Billfish Management Plan. The EFPs, if issued, would authorize recipients to fish for

and possess tunas, billfishes, swordfish and sharks outside the applicable Federal commercial seasons, size limits and retention limits, or to fish for and possess prohibited species.

In the near future, NMFS intends to undertake rulemaking to revise general aspects of the procedures for issuing EFPs. Permits will be issued under the current regulations and be valid until new regulations become effective, which is expected to be June 1, 2001, at which time revised permits may be issued. A final decision on issuance of any EFPs/SRPs will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on this notice, conclusions of any environmental analyses conducted pursuant to the National Environmental Policy Act, and on any consultations with any appropriate Regional Fishery Management Councils, states, or Federal agencies. NMFS does not anticipate any environmental impacts from the issuance of these EFPs other than impacts already assessed in the Final Environmental Impact Statement (EIS) and any subsequent Environmental Assessments or EISs contained in the Final HMS FMP (64 FR 13575; March 19, 1999).

Authority: 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: December 28, 2000.

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

National Oceanic and Atmospheric Administration

[I.D. 121900B]

Marine Mammals; File No. 924-1484.

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that Permit No. 924-1484-00, issued to Marsha Green, Ph.D., Albright College, P.O. Box 15234, Reading, PA 19612-5234, was amended.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits and Documentation Division, Office of Protected Resources, NMFS,