

Dated: May 19, 2006.

**P. Michael Payne,**

Chief, Permits, Conservation and Education  
Division, Office of Protected Resources,  
National Marine Fisheries Service.

[FR Doc. E6-8181 Filed 5-26-06; 8:45 am]

BILLING CODE 3510-22-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 041806D]

#### Atlantic Striped Bass Conservation Act; Atlantic Striped Bass Fishery

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

**ACTION:** Notice of scoping process;  
extension of comment period.

**SUMMARY:** In a document published in  
the **Federal Register** on April 24, 2006,  
NMFS announced its intention to re-  
open the scoping process and accept  
further comments on the  
recommendations contained in  
Amendment 6 to Atlantic States Marine  
Fisheries Commission's (ASMFC)  
Interstate Fishery Management Plan for  
Atlantic Striped Bass (Amendment 6).  
NMFS originally conducted scoping on  
the matter in 2003, but decided to re-  
open the scoping process and accept  
further comments due to the passage of  
significant time and the availability of  
new information. The intent of this  
document is to announce the extension  
of the public comment period from May  
26, 2006, to June 26, 2006.

**DATES:** Comments on this action must be  
received (see **ADDRESSES**) no later than  
5 p.m. Eastern Standard Time on or  
before June 26, 2006.

**ADDRESSES:** Written comments and  
requests for copies of the draft  
document should be sent to: Tom  
Meyer, State-Federal Fisheries Division,  
Office of Sustainable Fisheries, NMFS,  
1315 East West Highway, Room 13248,  
Silver Spring, MD 20910. Mark the  
outside of the envelope "Striped Bass  
Scoping." An electronic copy of the  
draft document and supporting  
documents (ANPR and a Notice of  
Intent to Prepare an EIS (NOI)) may also  
be obtained on the State-Federal  
Fisheries Division's Web site under  
*Regulatory Activities* at [http://  
www.nmfs.noaa.gov/sfa/state\\_federal/  
state\\_federal.htm](http://www.nmfs.noaa.gov/sfa/state_federal/state_federal.htm). Comments may also  
be sent via fax to (301) 713-0596, or via  
e-mail to: *Striped-  
Bass.Comments@noaa.gov*. Include in  
the subject line of the fax or e-mail the

following document identifier: *Striped  
Bass Scoping*.

**FOR FURTHER INFORMATION CONTACT:** Tom  
Meyer, telephone (301) 713-2334, x173.

**SUPPLEMENTARY INFORMATION:** As  
announced in the **Federal Register** on  
July 21, 2003 (68 FR 43074), NMFS  
requested comments on potential  
revisions to the Federal Atlantic striped  
bass regulations for the U.S. EEZ in  
response to recommendations from the  
Commission to the Secretary. The  
comment period was subsequently  
reopened on August 26, 2003 (68 FR  
51232), for an additional 30-days. A  
"Notice of Intent to Prepare an  
Environmental Impact Statement (EIS)  
and Notice of Scoping Process" (NOI)  
was published in the **Federal Register**  
on October 20, 2003 (68 FR 59906) and  
public meetings were held in nine  
Atlantic coast states between November  
5 - December 10, 2003, and the public  
comment period closed on December  
22, 2003.

Significant time has passed since the  
nine initial scoping hearings.  
Accordingly, NMFS thought it prudent  
to seek additional scoping on its  
preliminary draft analyses of Federal  
management options to open the EEZ to  
the harvest of Atlantic Striped Bass.  
NMFS, therefore, re-opened the scoping  
process in a **Federal Register** Notice on  
April 24, 2006 (71 FR 20984) and  
established a 30 day public comment  
period. NMFS believes that extending  
the comment period an additional 30  
days would provide the public a more  
appropriate opportunity to provide  
meaningful commentary on the agency's  
list of potential alternatives and other  
management measures. See **ADDRESSES**  
for information on how to obtain a copy  
of the draft document and where to send  
comments.

#### Background

Atlantic striped bass management is  
based on ASMFC's Atlantic Striped Bass  
Interstate Fishery Management Plan  
(ISFMP), first adopted in 1981. From  
1981 - 1994, four ISFMP Amendments  
were developed that provided a series of  
management measures that led to the  
rebuilding of the stocks. In 1995,  
ASMFC declared the Atlantic striped  
bass population fully restored and  
implemented Amendment 5 to the  
ISFMP to perpetuate the stock so as to  
allow a commercial and recreational  
harvest consistent with the long-term  
maintenance of the striped bass stock.  
Since then the population has expanded  
to record levels of abundance. To  
maintain this recovered population,  
ASMFC approved Amendment 6 in  
February 2003 (copies of Amendment 6

are available via ASMFC's website  
under *Interstate Fisheries Management-  
striped bass* at <http://www.asmfc.org>).  
ASMFC believes that the measures  
contained in Amendment 6 are  
necessary to prevent the overfishing of  
the Atlantic striped bass resource while  
allowing growth in both the commercial  
and recreational fishery. Development  
of Amendment 6 took almost 4 years  
and involved extensive input from  
technical and industry advisors, and  
provided numerous opportunities for  
the public to comment on the future  
management of the species.

Amendment 6 incorporates results of  
the 2001 Atlantic striped bass stock  
assessment, developed by the Atlantic  
Coast States, ASMFC, NMFS, and the  
U.S. Fish and Wildlife Service (see  
section 1.2.2 of Amendment 6 for  
summary). Amendment 6 also included  
recommendations to the Secretary on  
the development of complementary  
measures in the EEZ. Management of  
Atlantic striped bass in the EEZ was one  
of the issues that was considered  
throughout development of Amendment  
6.

#### Recommendation to the Secretary

In addition to the recommendations to  
the Secretary in Amendment 6, the  
Secretary also received a letter on April  
24, 2003, from ASMFC with the  
following three recommendations for  
implementation of regulations in the  
EEZ: (1) Remove the moratorium on the  
harvest of Atlantic striped bass in the  
EEZ; (2) implement a 28-inch (71.1-cm)  
minimum size limit for recreational and  
commercial Atlantic striped bass  
fisheries in the EEZ; and (3) allow states  
the ability to adopt more restrictive  
rules for fishermen and vessels licensed  
in their jurisdictions.

In support of its request, ASMFC cited  
a number of reasons, including: ASMFC  
declared the striped bass stock restored  
in 1995; commercial harvest is  
controlled by individual state quotas;  
with the EEZ closed striped bass caught  
there are required to be discarded, and  
are often dead when thrown back -  
Opening the EEZ will convert some of  
the discarded bycatch of striped bass to  
landings; and Amendment 6  
incorporates measures that would  
address future concerns about the stock  
status. See **ADDRESSES** for information  
on how to obtain a copy of the NOI,  
which has a complete list of ASMFC's  
cited reasons.

ASMFC also stated that its Atlantic  
Striped Bass Technical Committee  
would monitor annually the Atlantic  
striped bass population, and, if at some  
point in the future ASMFC determines  
that the Atlantic striped bass population

is overfished or that overfishing is occurring, it may recommend further management measures for the EEZ.

#### Delay in the Development of an EIS

In September 2004, ASMFC's Striped Bass Technical Committee prepared its 2004 Stock Assessment Report for use by the Striped Bass Management Board (Board), which included data through 2003. That assessment contradicted previous assessments, which had indicated that the striped bass population was not overfished and continued to grow in abundance. Instead, the results of the modeling portion of the 2004 assessment indicated that the stock was overfished and that spawning stock biomass had been reduced to below target levels. However, the members of the Technical Committee did not feel the assessment provided an accurate representation of stock status, especially given that results of tagging study analyses did not show a similar increase in fishing mortality. The Technical Committee was concerned with any conclusions that might be derived from these estimated and recommended the 2004 assessment results not be used for management decisions until both the modeling software and the input data sets were reevaluated during the 2005 assessment process. The results from the 2004 stock assessment have not been used by ASMFC for management decisions.

With the great uncertainty in estimates of spawning stock biomass, and fishing mortality rates during 2003, as presented in the 2004 stock assessment, NMFS decided to delay the completion of the EIS to be able to incorporate the 2005 stock assessment in the EIS.

During 2005, the Technical Committee and Stock Assessment Subcommittee reviewed model inputs and the model itself to determine if the results from the 2004 assessment truly reflected status of the population or were an artifact of data or model errors. They concluded that a number of the indices used in the 2004 effort were not consistent with what was observed in the population as a whole, or were contradictory to the majority of other reliable time series. Those indices were removed from subsequent model runs. The Technical Committee believes

the current assessment reflects the true status of the population (within reasonable ranges of certainty). Both the 2004 and 2005 Striped Bass Stock Assessments are available on ASMFC's website under *Interstate Fisheries Management-striped bass* at <http://www.asmfc.org>.

#### Addendum I to Amendment 6

During the development of Amendment 6, there were concerns over the impacts of bycatch mortality on the overall population. To address these concerns, ASMFC is currently developing Addendum 1 to Amendment 6 to increase the accuracy of data on striped bass bycatch in all sectors of the striped bass fishery. Addendum I will outline mandatory data collection and bycatch mortality studies for the commercial, recreational, and for-hire fisheries for striped bass.

#### Further Public Participation

Due to the significant time that has passed since the nine initial scoping hearings were held in November-December 2003, NMFS is seeking additional scoping on its preliminary draft analyses of Federal management options to open the EEZ to the harvest of Atlantic Striped Bass. See **ADDRESSES** for information on how to obtain a copy of the draft document and where to send comments.

At this time, a preferred option has not been identified. Options being considered in this draft document include: (1) open the entire EEZ, implement a 28-inch (71.1-cm) minimum size limit, and allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state (ASMFC recommendation); (2) open the entire EEZ, implement a 28-inch (71.1-cm) minimum size limit, allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state, implement a recreational bag limit of 2 fish per day, require circle hooks for all commercial and recreational hook and line fishing using bait, and commercial trip limits and bycatch trip limit options; (3) open the entire EEZ, implement a 28-inch (71.1-cm) minimum size limit, allow states to adopt more restrictive regulations for fishermen and vessels licensed in their state, allow hook and line gear only, implement a recreational bag limit of 2 fish per day, require circle hooks for all commercial and recreational hook and line fishing using bait, and implement a commercial trip limit of 30 fish per trip or day whichever is greater; and (4) status quo - maintain moratorium in the EEZ.

**Authority:** 16 U.S.C. 5151 *et seq.*

Dated: May 23, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
[FR Doc. 06-4894 Filed 5-23-06; 2:25 pm]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 051206A]

##### Marine Mammals; File No. 945-1776

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Glacier Bay National Park and Preserve (Christine M. Gabriele, Principal Investigator) P.O. Box 140, Gustavus, AK 99826, (File No. 945-1776) has been issued a permit to conduct scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907)586-7221; fax (907)586-7249.

##### FOR FURTHER INFORMATION CONTACT:

Carrie Hubard or Amy Hapeman, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On February 17, 2005, notice was published in the **Federal Register** (70 FR 8076) that a request for a scientific research permit to take marine mammals had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 945-1776 authorizes Glacier Bay National Park and Preserve to conduct population studies on numerous cetacean species with a particular emphasis on humpback (*Megaptera novaeangliae*), minke (*Balaenoptera acutorostrata*), and killer whales (*Orcinus orca*). Takes will occur by close approach via vessel survey for photo-identification, behavioral observation, passive acoustic recording, collection of sloughed skin and feces, prey sampling, and incidental harassment. The permit is valid for five years.