

Persons desiring additional information, or planning a presentation to the Committee, should contact Melvin L. Jenkins, Director of the Central Regional Office, 913-551-1400 (TDD 913-551-1414). Hearing-impaired persons who will attend the meeting and require the services of a sign language interpreter should contact the Regional Office at least five (5) working days before the scheduled date of the meeting.

The meeting will be conducted pursuant to the provisions of the rules and regulations of the Commission.

Dated at Washington, DC, June 5, 1997.

Carol-Lee Hurley,

Chief, Regional Programs Coordination Unit.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052097A]

Fisheries Off West Coast States and in the Western Pacific; Availability of a Limited Entry Permit

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

ACTION: Availability of a limited entry permit.

SUMMARY: The Acting Regional Administrator, Southwest Region, NMFS, (Regional Administrator) has determined that one new permit, or possibly two permits, may be available for the Northwestern Hawaiian Islands (NWHI) bottomfish limited entry fishery (Ho'omalulu Zone). Under the regulations implementing the Fishery Management Plan for Bottomfish and Seamount Groundfish Fisheries of the Western Pacific Region (FMP), new permits may be issued when the Regional Administrator has determined, in consultation with the Western Pacific Fishery Management Council (Council), that bottomfish stocks in the Ho'omalulu Zone are able to support additional fishing effort. The purpose of this notification is to inform all potential applicants that applications are being accepted.

DATES: Applications must be filed no later than July 28, 1997.

ADDRESSES: Applications may be obtained from, and completed applications must be sent to, the Pacific Area Office, Southwest Region, NMFS,

2570 Dole Street, Room 106, Honolulu, HI 96822-2396.

FOR FURTHER INFORMATION CONTACT: Alvin Katekaru, NMFS, (808) 973-2985, or Svein Fougner, NMFS, (562) 980-4034.

SUPPLEMENTARY INFORMATION: Under regulations implementing Amendment 2 (53 FR 29907, August 9, 1988) to the FMP, which established the limited access program for the NWHI, the Regional Administrator, Southwest Region, in consultation with the Council, may allow new entry into the limited access area (Ho'omalulu Zone) of the NWHI bottomfish fishery if the fishery can support additional effort (50 CFR 660.6(f)). At the 91st Council meeting on November 18-21, 1996, the Regional Administrator informed the Council of the potential for new entry into the Ho'omalulu Zone during 1997, and requested guidance on issuing permits. The Council, concurring with its Scientific and Statistical Committee, recommended to allow no more than seven permits for the Ho'omalulu Zone. This is consistent with the NMFS Honolulu Laboratory's economic analysis of the optimal number of NWHI bottomfish vessels. The Regional Administrator has determined that the fishery can support seven vessels at this time. When the number of permits falls below seven, the Regional Administrator may initiate procedures allowing for new entry up to the maximum number allowed in the fishery. On March 27, 1997, the Regional Administrator determined that there would be one permit, with the possibility of a second permit, available due to the non-renewal of a permit for 1997. The status on the renewal of a second permit is currently under review. Regulations governing the issuance of new Ho'omalulu Zone permits require that all prospective applicants be informed by publication of this notification in the **Federal Register**, of the opportunity to file applications (50 CFR 660.61(f)). Forms will be provided by the Pacific Area Office, Southwest Region, NMFS (See **ADDRESSES**). A new permit will be awarded based on a point system as follows: (1) Two points shall be assigned for each year in which the applicant was an owner or captain of a vessel that made three or more qualifying landings of bottomfish from the NWHI. A qualifying landing is defined by regulations as a landing of bottomfish from the NWHI regardless of weight, if made on or before August 7, 1985; or a landing of at least 2,500 lb (1,134 kg) of bottomfish from the NWHI, or a landing of at least 2,500 lb (1,134 kg) of fish harvested from the NWHI, of

which at least 50 percent by weight was bottomfish, if made after August 7, 1985 (50 CFR 660.12). (2) One point shall be assigned for each year the applicant was an owner or captain of a vessel that landed at least 6,000 lb (2,722 kg) of bottomfish from the main Hawaiian Islands. In any single year, points can be assigned for bottomfish landed from either the NWHI or the main Hawaiian Islands but not for a combination of both areas. Points shall be assigned for every year for which the requisite landings can be documented. Applicants must maintain their own files of valid documentation verifying claims of accrued points. Copies of these documents must accompany all permit applications. A permit shall be awarded to a qualifying applicant in descending order, starting with the applicant with the largest number of points. If two or more persons have an equal number of points, and there are insufficient new permits for all such applicants, the new permit shall be awarded by the Regional Administrator through a lottery. An applicant must own at least a 25 percent share in the vessel that the permit would cover, and only one permit will be assigned to any vessel. No additional permits will be issued to any vessel owner who already has a Ho'omalulu Zone bottomfish permit. At the 91st meeting, the Council also recommended, and the Regional Administrator agrees, that in considering applications for Ho'omalulu Zone permits: (1) No State of Hawaii fish catch reports used to document eligibility points should be accepted that are more than one year old; (2) only State of Hawaii fish catch reports should be accepted by NMFS to validate accrued qualifying points demonstrating historical participation in the Hawaiian Islands bottomfish fishery; (3) the cut-off date for applications should be 45 days after publication of the notice of availability of a permit in the **Federal Register**; (4) relief captains and vessel owners must provide vessel insurance records or legal certificates of documentation demonstrating the minimum 25 percent ownership in the vessel; and (5) only records of bottomfish management unit species should be used for assigning qualifying points. The Council has requested that the Regional Administrator act expeditiously once a determination has been made on the availability of a permit so that the new permit holder will be allowed as much time as possible to make at least three bottomfish landings from the Ho'omalulu Zone before December 31, 1997. A minimum of three qualifying bottomfish

landings is required by all Ho'omalu Zone permittees in order to maintain eligibility for renewing the permit for the next fishing year (i.e., 1998).

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

Dated: June 6, 1997.

Rebecca Lent,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052997A]

Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins

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

ACTION: Notice of issuance of letters of authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that 1-year letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on April 30, 1997, to the Apache Corporation, Houston, TX; on May 12, 1997, to Mariner Energy, Inc., and to SOCO Offshore, both of Houston, TX; on May 20, 1997, to Kerr-McGee Corporation, Lafayette, LA; and on May 29, 1997, to the Samedan Oil Corporation, and to the Newfield Exploration Company, both of Houston, TX.

ADDRESSES: The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of small numbers 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 regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139), and remain in effect until November 13, 2000.

Summary of Requests

NMFS received requests for letters of authorization on April 22, 1997, from the Apache Corporation, 2000 Post Oak Boulevard, Houston, TX 77056; on April 29, 1997, from Mariner Energy, Inc., 580 WestLake Park Blvd., Houston, TX 77079; on May 9, 1997, from SOCO Offshore, 1221 Lamar, Houston, TX 77010; on May 19, 1997, from Kerr-McGee Corporation, P.O. Box 30400, Lafayette, LA 70593; on April 11, 1997, from Samedan Oil Corporation, 350 Glenborough, Houston, TX 77067-3229; and, on May 23, 1997, from Newfield Exploration Company, 363 N. Sam Houston Parkway E, Houston, TX 77060. These letters requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization are based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: June 6, 1997.

Patricia A. Montanio,

Deputy Director, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D.052397C]

Marine Mammals; Permit No. 1021 (P532C)

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

ACTION: Scientific research permit amendment.

SUMMARY: Notice is hereby given that a request for amendment of scientific research permit no. 1021 submitted by Texas A&M University at Galveston, P.O. Box 1675, Galveston, TX 77551 (Principal Investigator: Dr. Randall W. Davis) has been granted.

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

Permits Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432.

SUPPLEMENTARY INFORMATION: On March 3, 1997, notice was published in the **Federal Register** (62 FR 9414) that an amendment of permit no. 1021 issued December 17, 1996 (61 FR 67998) had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the provisions of § 216.39 of 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 provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222.23).

In the original permit application, the applicant requested authority to conduct low frequency sound experiments on sperm whales in the Gulf of Mexico. The project was deferred pending completion of an environmental assessment (EA). The EA had a finding of no significant impact, therefore, the permit was amended to include this project. Additionally, the permit was amended to allow the take of up to 30 Weddell seals (*Leptonychotes weddellii*) per year for three years.