

spending 1–3 years at sea, and the returns from a single year cannot be used to predict the status or trend of the population.

Further, the spawning escapements in 1998 and 1999 are progeny of smaller spawning escapements than the 1997 return, so those escapements may not provide for an increasing trend in the population. Thus, the number returning to spawn in 1997 is not directly dependent upon the number that returned in 1995 or 1996, nor will it affect returns in 1998 and 1999. Additional details of steelhead life history are provided in the Environmental Assessment (EA) prepared for the initial LOA (January 1995) or may be found in the scientific literature (e.g., Shapovalov, L., and A. Taft. 1954. The life histories of the steelhead rainbow trout, *Salmo gairdneri gairdneri*, and silver salmon, *Oncorhynchus kisutch*. California Dept. of Fish and Game, Fish Bulletin No. 98. 375 pp.).

The Task Force recognized the complexity of assessing trends in the steelhead population during their discussions in 1996 and recommended that the LOA be extended because insufficient time had passed to evaluate the success of management actions at Ballard Locks. The Task Force opinions on the extension ranged from no extension to a period of 8 years (two steelhead cycles) with the majority of the Task Force favoring an extension of 4 years (one steelhead cycle). The October 1996 Report of the Task Force acknowledged that efforts to recover the Lake Washington steelhead will be a long-term undertaking and should be continued until such time as: (1) The escapement goal of 1600 fish is reached; or (2) it becomes clear that the process is unlikely to achieve the stated goal.

**Comment 5:** It is inappropriate for NMFS to consider extending the LOA given existing legal challenges. NMFS should postpone its consideration of the extension pending judicial resolution of legal challenges.

**Response:** Consistent with Task Force advice, NMFS believes the conditions that warranted the initial LOA (i.e., critically low numbers of returning steelhead) are still apparent. Therefore, the conservation objective of stabilizing and recovering the steelhead run necessitate continued lethal removal authority despite the unresolved status of the legal challenge.

**Comment 6:** There is no authority in Section 120 of the MMPA to extend the LOA.

**Response:** Section 120 of the MMPA does not specify any timeframes for authorizations. NMFS initially limited

the LOA to three years so that the authorization would not be “open-ended.” The Task Force, which was established in accordance with Section 120 of the MMPA to evaluate the effectiveness of the authorization, recommended that the LOA be extended because insufficient time had passed to evaluate the success of management actions at Ballard Locks. Based on the Task Force recommendations, the State’s request, and consideration of public comments, NMFS has determined it is appropriate and consistent with the intent of Section 120 of the MMPA to extend the LOA for a discrete period coinciding with 1 steelhead life cycle.

**Comment 7:** Further review under the National Environmental Policy Act (NEPA) is required before an extension can be considered.

**Response:** NEPA requirements on this action have been fulfilled. The environmental impacts of an extension of the LOA are not different than those evaluated in prior EAs because all aspects of the conditions of the LOA are retained except for the expiration date. For example, the LOA authorized the lethal removal of up to 15 individually identifiable sea lions; up to the present no sea lions have been lethally removed under the LOA (although 3 sea lions were removed from the population and placed in permanent captivity for public display). Further, the proposed extension is within the scope of the Environmental Assessment prepared for the original LOA (NMFS, January 1995) and the supplemental EA prepared for the modified LOA (NMFS, March 1996). The State has requested no changes to the terms and conditions of the current authorization, except for the time period; the number of sea lions authorized for removal, the means of removal and other aspects of the current LOA would not be modified. Likewise, there is no other significant new circumstances or information that would indicate that the conclusions of the previous EAs would change. The environmental consequences of the extension of the authorization are expected to be the same as those previously assessed. Consequently, no further analysis under NEPA is necessary.

**Comment 8:** Any and all sea lions found southeast of a line between Meadow Point and West Point should be lethally removed.

**Response:** The LOA only authorizes lethal removal of individually identifiable sea lions that: (1) have been observed by biologists monitoring sea lion predation to have preyed on returning steelhead in the inner bay area

of the Lake Washington Ship Canal (upstream of the railroad bridge); (2) have penetrated the acoustic barrier and have been observed foraging in the ensonified zone during the steelhead run since January 1, 1994, (when the acoustic deterrence program began); and (3) are observed engaging in foraging behavior in the inner bay area (upstream of the railroad bridge) during the current steelhead season between January 1 and May 31 by biologists monitoring sea lion predation at the Locks. NMFS does not intend to change this.

**Comment 9:** The steelhead run at the Ballard Locks has for too many years been dangerously close to extinction, and it seems appropriate to allow WDFW to continue the program for protecting steelhead and to monitor the situation closely.

**Response:** NMFS has extended the LOA for lethal removal of individually identifiable California sea lions that are having significant negative impact on the status and recovery of winter steelhead that migrate through the Ballard Locks in Seattle, WA.

#### NMFS Action

Based on the Task Force recommendations, the State’s request, and consideration of public comments, NMFS has extended the LOA for 4 years to June 30, 2001. No other changes were made to the terms and conditions of the LOA. Copies of the LOA are available upon request (see ADDRESSES).

Dated: September 23, 1997.

**Patricia A. Montanio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 97–25778 Filed 9–26–97; 8:45 am]

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

[I.D. 091997C]

##### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Law Enforcement Advisory Panel (AP).

**DATES:** This meeting will be held on October 15, 1997, from 1:00 p.m. to 5:00 p.m.

**ADDRESSES:** This meeting will be held at the Quality Inn Beachside, 931 West Beach Boulevard, Gulf Shores, AL; telephone: 800-844-6913.

**Council address:** Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813-228-2815.

**SUPPLEMENTARY INFORMATION:** The purpose of the meeting will be to review management alternatives being considered by the Council as part of Draft Amendment 16 to the Fishery Management Plan (FMP) for Reef Fish in the Gulf of Mexico. Amendment 16 readdresses a 2-year phase-out of fish traps with allowances for retention of reef fish species taken in spiny lobster and stone crab traps; however, if the Council continues the present 10-year phase-out, this amendment also includes options for reducing the number of traps being fished over time. This amendment considers size limits, including a slot limit, and bag limits for some lesser amberjack species. Additionally, alternatives are presented that could effect the Council's continued management of sand perch, dwarf sand perch, queen triggerfish, and hog fish. Amendment 16 includes consideration of compatible size and bag limits with the state of Florida for various reef fish species, as well as additional regulations of speckled hind and warsaw grouper. Language that would modify the Framework Procedure for setting total allowable catch is also included.

The Law Enforcement AP will also review a Draft Amendment 9 to the Fishery Management Plan for Coastal Migratory Pelagic Resources (Mackerels). Draft Amendment 9 addresses a number of problems that have been discussed in the past, as well as recent concerns that have developed with regard to allocations and a derby fishery for king mackerel. Amendment 9 includes alternatives that would:

1. Modify the fishing year;
2. Prohibit sale of king and Spanish mackerel;
3. Require mandatory reporting;
4. Reallocate the king mackerel total allowable catch (TAC) by area in the Eastern Zone and user group (commercial/recreational);
5. Further subdivide the hook-and-line allocation of TAC for king mackerel on the west coast of Florida by area and/or season;
6. Establish subdivisions of the Western Zone allocation of TAC for king mackerel by area and/or season;

7. Establish trip limits for Gulf group king mackerel in the Western Zone;

8. Provide for further restrictions on the net fishery for king mackerel;

9. Increase the minimum size limit for king mackerel and/or establish a maximum size limit; and

10. Reestablish a purse seine allocation for Gulf group Spanish mackerel.

In addition to these draft amendments, the Law Enforcement AP will review the status of implementation of Amendment 9 to the Shrimp FMP and Amendment 15 to the Reef Fish FMP, as well as problems with having a "paper trail" to track imported seafood.

In a joint session with the Gulf States Marine Fisheries Commission's Law Enforcement Committee, which is comprised of basically the same members, the Law Enforcement AP will receive information from NMFS regarding its penalty schedule and a report on the use of satellite transponders to track fishing vessels. It will also receive enforcement reports from the individual Gulf States.

The Law Enforcement AP consists of chief enforcement agents for the state and Federal fishery agencies in the Gulf area who advise the Council on fishery issues.

Although other issues not contained in this agenda may come before this Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal Panel action during this meeting. Panel action will be restricted to those issues specifically identified in the agenda listed in this notice.

### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by October 8, 1997.

Dated: September 22, 1997.

**Bruce 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. 072197E]

### Marine Mammals

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

**ACTION:** Issuance of photography permit no. 867-1388.

**SUMMARY:** Notice is hereby given that Moana Productions, Inc., 311 Portluck Road, Honolulu, Hawaii 96825, has been issued a permit to take by Level B harassment several species of non-threatened, non-endangered marine mammals for purposes of commercial photography.

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

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

Protected Species Program Manager, Pacific Area Office, NMFS, 2570 Dole Street, Room 106 Honolulu, HI 96822-2396 (808/973-2987), and

Regional Director, Southeast Region, NMFS, 9731 Executive Center Drive, St. Petersburg, FL 33702-2434 (813/570-5301)

Director, Alaska Region, P.O. Box 21668, Juneau, AK 99802-1668 (907/585-7221).

**SUPPLEMENTARY INFORMATION:** On June 6, 1997, notice was published in the **Federal Register** (62 FR 31083) that the above-named applicant had submitted a request for a permit to take several species of marine mammals by Level B Harassment during the course of commercial photographic activities in Hawaii and South Carolina waters. The required permit has been issued, under the authority of S104 (c) (6) of the Marine Mammals Protection Act of 1972, as amended (16 U.S.C. 1361 et seq.).

Dated: July 25, 1997.

**Ann D. Terbush,**

*Chief, Permits and Documentation Division, Office Of Protected Resources, National Marine Fisheries Service.*

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