

rule or at the closest scheduled plant outage before or after that date. Failure of the holder of the LOA to implement such measures in accordance with the NMFS specifications may be grounds to invalidate the LOA.

**§ 216.135 Monitoring and reporting.**

(a) The holder of the Letter of Authorization is required to cooperate with NMFS and any other Federal, state, or local agency monitoring the impacts of the activity on harbor, gray, harp, or hooded seals.

(b) The holder of the Letter of Authorization must designate a qualified individual or individuals, approved in advance by the Northeast Regional Administrator, NMFS, to observe and record any marine mammals that occur in the intake circulating system, including the outer transition structure, both forebays, and any marine mammals observed as a result of screen washings conducted.

(c) The holder of the LOA must conduct at least two daily visual inspections of the circulating water and service water forebays.

(d) The holder of the LOA must conduct at least daily inspections of the outer transition structure.

(e) The holder of the LOA must conduct screen washings at least twice weekly. Examination of the screen wash debris must be conducted to determine if any seal remains are present.

(f) The holder of the LOA must report orally to the Northeast Regional Administrator, NMFS, by telephone or other acceptable means, any seals or seal parts or other marine mammals or marine mammal parts found in the locations specified in § 216.135(b) or at any other locations on the property of the holder of the LOA, or through the inspection required by § 216.135(b) through (e). Such oral reports must be made within 24 hours of finding the seal or seal parts, or other marine mammal or marine mammal parts.

(g) The holder of the LOA must arrange to have a necropsy examination performed by qualified individuals on any seal or seal parts or marine mammal or marine mammal parts recovered through monitoring as specified under § 216.135(b) through (e).

(h) The holder of the LOA must also provide written notification to the Northeast Regional Administrator, NMFS, of such seals or seal parts or marine mammal or mammal parts found within 15 business days from the time of the discovery. This report must contain the results of any examinations or necropsies of the marine mammals as well as any other information relating to the circumstances of the take.

(i) An annual report on mitigation measures to effect the least practicable adverse impact on the seals that have been implemented or are being considered for implementation pursuant to the requirements specified at § 216.134 must be submitted to the Northeast Regional Administrator, NMFS, within 30 days prior to the expiration date of the issuance of the LOA.

**§ 216.136 Renewal of the Letter of Authorization.**

(a) A Letter of Authorization issued under § 216.106 for the activity identified in § 216.130(a) may be renewed annually provided the following conditions and requirements are satisfied:

(1) Timely receipt of the reports required under § 216.135, which have been reviewed by the Northeast Regional Administrator, and determined to be acceptable;

(2) A determination that the maximum incidental take authorizations in § 216.130(b) will not be exceeded; and

(3) A determination that research on mitigation measures required under § 216.134(a) and the Letter of Authorization have been undertaken.

(b) If the species' annual incidental take authorization is exceeded, NMFS will review the documentation submitted under § 216.135, to determine that the taking is not having more than a negligible impact on the species or stock involved. If such taking is determined to be not having more than a negligible impact on the species or stock involved, the LOA may be renewed provided other conditions and requirements specified in § 216.136(a) are satisfied, and provided that any modifications of the LOA that may be required are done pursuant to § 216.137.

(c) Notice of issuance of a renewal of the Letter of Authorization will be published in the **Federal Register** within 30 days of issuance.

**§ 216.137 Modifications to the Letter of Authorization.**

(a) In addition to complying with the provisions of § 216.106, except as provided in paragraph (b) of this section, no substantive modification, including withdrawal or suspension, to the Letter of Authorization issued pursuant to § 216.106 and subject to the provisions of this subpart shall be made until after notice and an opportunity for public comment. For purposes of this paragraph, renewal of a Letter of Authorization under § 216.136, without modification, is not considered a substantive modification.

(b) If NMFS determines that an emergency exists that poses a significant risk to the well-being of the species or stocks of marine mammals specified in § 216.130, the Letter of Authorization issued pursuant to § 216.106, or renewed pursuant to this section may be substantively modified without prior notice and an opportunity for public comment. Notification will be published in the **Federal Register** subsequent to the action.

**§§ 216.138—216.139 [Reserved]**

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 660**

[I.D. 080798B]

**Pacific Fishery Management Council; Public Hearings**

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

**ACTION:** Public hearings; request for comments.

**SUMMARY:** The Pacific Fishery Management Council (Council) will convene six public hearings on Draft Amendment 11 to the Pacific Coast Groundfish Fishery Management Plan (PCGFMP) and Draft Amendment 8 to the Northern Anchovy Fishery Management Plan (NA FMP) and its draft supplemental environmental impact statement (draft SEIS).

**DATES:** Written comments will be accepted until September 9, 1998. The hearings will be held from September 8 to September 10, 1998. See

**SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Comments should be sent to Mr. Lawrence D. Six, Executive Director, Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201; telephone (503) 326-6352. Written comments sent to the Council should be received by Wednesday, September 9, 1998, to assure time for copying and distribution before final consideration of the amendments by the Council. Copies of the draft amendments and the anchovy SEIS are available from the Council office.

Comments may also be provided during the Council meeting, September 14-18, 1998, at the Red Lion

Sacramento Inn, 1401 Arden Way, Sacramento, CA.

The hearings will be held in California, Washington, and Oregon. See **SUPPLEMENTARY INFORMATION** for specific hearing locations and for special accommodations.

**FOR FURTHER INFORMATION CONTACT:**

Lawrence D. Six, Executive Director, Pacific Fishery Management Council, at (503) 326-6352.

**SUPPLEMENTARY INFORMATION:** The Council will hold public hearings on Draft Amendment 11 to the PCGF FMP and Draft Amendment 8 to the Northern Anchovy NA FMP and the associated draft SEIS. Both of these amendments contain proposed measures to address the new requirements of the Magnuson-Stevens Fishery Conservation and Management Act.

Draft Amendment 11 proposes to redefine "overfishing," "overfished," "optimum yield," and other terms; and would revise the procedures for setting annual harvest levels. The amendment would describe and identify essential fish habitat and establish procedures for implementing regulations to minimize adverse effects of fishing on such habitat. The amendment would also identify procedures for implementing regulations to reduce bycatch and to establish permits for fishing for or processing groundfish should the Council determine that additional permit requirements would be

beneficial. The amendment would also authorize reserving a portion of the acceptable biological catch for use in scientific research.

In addition, the Council proposes to amend the NA FMP to add Pacific sardine, Pacific (chub) mackerel, jack mackerel, and market squid to the management unit. The NA FMP divides the species into two general categories: (1) Actively managed species, those that require a limit on catch established by Federal regulations, and (2) monitored only species, those that are adequately managed without Federal regulatory measures on catch limits. The NA FMP provides for moving species from one category to another as biological and economic circumstances change by means of a framework process. The name of the NA FMP would be changed to the Coastal Pelagics Fishery Management Plan. The amendment would also redefine "overfishing," "overfished," "optimum yield," and other terms; and would revise the procedures for setting annual harvest levels. The amendment would describe and identify essential fish habitat and establish procedures for implementing regulations to minimize adverse effects of fishing on such habitat.

**Dates, Times, and Locations**

The public hearings will be held on:

Tuesday, September 8, 1998, 6:00 p.m., at the Doubletree Hotel, 1929 Fourth Street, Eureka, CA;

Tuesday, September 8, 1998, 6:00 p.m., at the California Department of Fish and Game, 330 Golden Shore, Suite 50, Long Beach, CA;

Wednesday, September 9, 1998, 6:00 p.m., at the California Department of Fish and Game, 20 Lower Ragsdale Drive, Suite 100, Monterey, CA;

Wednesday, September 9, 1998, 6:00 p.m., at the NMFS Regional Office, 7600 Point Way NE, Building 9, Seattle, WA;

Thursday, September 9, 1998, 6:00 p.m., at the Red Lion Inn, 400 Industry Street, Astoria, OR; and

Friday, September 11, 1998, 2:00 p.m., at the Holiday Inn, 400 North Coast Highway, Newport, OR.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to John Rhoton at (503) 326-6352 at least 5 days prior to the meeting date.

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

Dated: August 14, 1998.

**Bruce Morehead,**

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