

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see ADDRESSES) by June 14, 1999.

Dated: May 27, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
[FR Doc. 99-14073 Filed 6-2-99; 8:45 am]

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DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[I.D. 052699E]

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 will convene a public meeting to receive public input on possible changes to its proposed "Regulatory Amendment to the Reef Fish Fishery Management Plan to Set 1999 Gag/Black Grouper Management Measures."

DATES: This meeting will begin at 8:30 a.m. on Wednesday, June 23, 1999 and continue into the afternoon as necessary.

ADDRESSES: The meeting will be held at the Oakland Terrace Clubhouse, 1900 West 11th Street, Panama City, FL.

FOR FURTHER INFORMATION CONTACT: Steven Atran, Population Dynamics Statistician, Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: In March 1999, the Council voted to submit the regulatory amendment to NMFS with a proposal to create a 423 nautical square mile area off the Gulf coast of Florida that would be closed year-round to all reef fish fishing. The purpose of this proposal was to protect spawning aggregations of gag and to protect a portion of the male gag population, which stays offshore year-round and has declined in proportion to the female gag population in recent years. The regulatory amendment also proposed to provide increased protection for juvenile gag by raising the minimum size limit for gag and black grouper from

the current 20 inches total length (TL) to 24 inches TL, which is the size at 50 percent female maturity for gag. The new minimum size limit for the commercial fishery would take effect immediately upon implementation, while the minimum size limit for the recreational fishery would be increased to 22 inches TL initially, followed by a 1-inch per year increase until the minimum size limit reached 24 inches TL. True black grouper, which mature at an even larger size (33 inches TL), were included in the proposal to avoid confusion that could occur due to the name "black grouper" being used for both species. These proposals received strong criticism from commercial and charterboat fishermen, who were concerned that the measures would severely and unnecessarily restrict their access to the gag and black grouper resource. In addition, a minority report submitted to NMFS by the five Council members who voted against the proposed regulatory amendment expressed the opinion that the amendment violated several of the National Standards in the Magnuson-Stevens Fishery Conservation and Management Act as well as the Regulatory Flexibility Act. As a result of the public reaction and the minority report, the Council voted at its May 10-13, 1999 meeting to reconsider the regulatory amendment during its next meeting in Key West on July 12-15, 1999, and to hold a public workshop prior to the July Council meeting in Panama City to consider management alternatives. All management alternatives in the regulatory amendment will be reconsidered, including those for which the Council originally proposed status quo. Those alternatives include not only the closed area and size limit proposals, but also the total allowable catch (TAC), closed seasons, recreational bag limits, and commercial trip limits.

NMFS, in its "October 1998 Report to Congress on the Status of Fisheries of the United States," identified gag in the Gulf of Mexico as a stock that, while not currently overfished, is approaching an overfished condition. Under the provisions of the Magnuson-Stevens Fishery Conservation and Management Act, the Council is required to take action to prevent overfishing from occurring for stocks identified by NMFS as approaching an overfished condition. The most recent gag stock assessment concluded that gag are being fished at a rate corresponding to between 18 and 23 percent static spawning potential ratio (SPR), or about at the existing overfishing criteria of 20 percent SPR.

However, while this level of SPR is sufficient to maintain the stock, the Sustainable Fisheries Act of 1996 requires that overfishing criteria be set at a level that allows a fishery the capacity to produce the maximum sustainable yield on a continuing basis. Consequently, the Council has proposed a new overfishing criteria of 30 percent static SPR for gag to comply with this requirement. While this new SPR level will eventually produce higher yields, it requires an initial reduction in gag harvest in 1999 to between 1.33 and 2.49 million pounds. This requires a reduction of 32 to 39 percent from the average gag harvest levels from 1990-98, which have ranged from 3.29 to 5.56 million pounds per year.

Copies of the "Regulatory Amendment to The Reef Fish Fishery Management Plan to Set 1999 Gag/Black Grouper Management Measures" and the minority report can be obtained by calling 813-228-2815. They can also be downloaded in Adobe Acrobat format from the Council's web site: <http://www.gulfcouncil.org>.

Although other issues not on the agenda may come before the workshop for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified by 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 June 16, 1999.

Dated: May 27, 1999.

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. 052599D]

Endangered Species; Permits

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

ACTION: Receipt of an application for a scientific research permit (1219); receipt of an application to modify a permit

(1203); and issuance of permits (1198, 1214).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement: NMFS has received a permit application from Mr. Larry Goodman, of US-Environmental Protection Agency (EPA) (1219); NMFS has received an application for modifications to an existing permit from the Washington Department of Fish and Wildlife in Olympia, WA (WDFW) (1203); and NMFS has issued permits to Mr. J. Alan Huff, of the Florida Department of Environmental Protection (FL-DEP) (1198) and Ms. Jane Anne Provancha, of Dynamac Corporation (DYNCo) (1214).

DATES: Written comments or requests for a public hearing on any of the new applications or modification requests must be received on or before July 6, 1999.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 1198, 1214, and 1219: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (301-713-1401).

For permit 1203: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

FOR FURTHER INFORMATION CONTACT:

For permits 1198, 1214, and 1219: Terri Jordan, Silver Spring, MD (301-713-1401).

For permit 1203: Tom Lichatowich, Portland, OR (503-230-5438).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (1) Are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222-226).

Those individuals requesting a hearing on an application listed in this

notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Sea Turtles

Green turtle (*Chelonia mydas*) (threatened/endangered), Hawksbill turtle (*Eretmochelys imbricata*) (endangered), Kemp's ridley turtle (*Lepidochelys kempii*) (endangered), Leatherback turtle (*Dermochelys coriacea*) (endangered), Loggerhead turtle (*Caretta caretta*) (threatened).

Fish

Chinook salmon (*Oncorhynchus tshawytscha*): Upper Columbia River (UCR) spring (endangered).

Steelhead trout (*Oncorhynchus mykiss*): UCR (endangered).

Shortnose sturgeon (*Acipenser brevirostrum*) (endangered).

New Application Received

EPA (1219) requests a 1-year permit to take shortnose sturgeon for scientific research in Gulf Breeze, Florida. The purpose of the research is to obtain information on the tolerances of port-larval and early-juvenile shortnose sturgeon, to low dissolved oxygen levels, particularly in relation to temperature and salinity.

Modification Request Received

On March 9, 1999 a notice was published (64 FR 11444) that NMFS had received an application (1203) from WDFW for a 5-year permit that would authorize takes of adult and juvenile UCR spring chinook salmon associated with a broad salmonid monitoring research program in UCR tributaries and the mainstem river. In the juvenile fish migration portion of the proposed research program, migrating smolts are proposed to be captured with screw traps, anesthetized, sampled for biological data and released downstream. NMFS has received a request for modifications to the permit (1203) that would authorize annual takes of juvenile, naturally produced and artificially propagated, UCR steelhead in the proposed juvenile fish migration study. Data from the study

will provide managers valuable information that will be used to assess the survival of migrating juvenile salmonids. The modifications are requested for the duration of the permit.

Permits and Modifications Issued

Notice was published on February 4, 1999 (64 FR 5030), that FL-DEP had applied for a 5-year research permit to take up to 700 loggerhead, 250 green, 5 leatherback, 25 hawksbill, and 100 Kemp's ridley sea turtles annually from Florida waters. Turtles captured will include all life history stages from post-hatchling through adult. Of the 700 loggerheads authorized annually, 400 will be hatchlings. This research will further the understanding of life histories, habitat requirements, migratory behaviors, and threats to these five species of sea turtles occurring in Florida waters. The turtles will be captured by tended, straight-set, large-mesh tangle nets; tended, drifting large-mesh tangle nets; tended, encircling (strike) large-meshed nets; dip nets; and hand-capture. Captured turtles will be weighed, measured, photographed, and flipper and PIT tagged. Select turtles will be blood sampled, lavaged and will receive radio, sonic, and/or satellite transmitters. Additionally, laparoscopy and tumor collection will be performed on selected turtles. This work is a continuation of research permitted under scientific research Permit 878, which expired on February 28, 1999. Permit 1198 was issued on May 13, 1999, and expires March 31, 2004.

Notice was published on April 7, 1999 (64 FR 16937), that DYNCo had applied for a 5-year research permit to take listed green and loggerhead sea turtles for scientific research in Mosquito Lagoon, Florida. The purpose of the research is to continue work that began under NMFS Permit 942, granted in 1995; specifically, to: (1) Continue the comparison of current marine turtle population structure and distribution in Mosquito Lagoon to baseline data collected in 1976-1979, (2) evaluate current seasonal distribution and occurrence of sea turtles, (3) evaluate distribution patterns relative to submarine resource distribution, (4) determine regional "importance value" of this lagoon relative to other studied juvenile habitats on the east coast of Florida, and (5) determine the sex ratio of the subadult marine turtles inhabiting Mosquito Lagoon. Permit 1214 was issued on May 25, 1999, and expires May 31, 2004.

Dated: May 27, 1999.

Margaret Lorenz,

*Acting Chief, Endangered Species Division,
Office of Protected Resources, National
Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

Patent and Trademark Office

RIN 0651-AB02

Official Insignia of Native American Tribes; Statutorily Required Study

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of hearings.

SUMMARY: Public Law 105-330 requires that the Patent and Trademark Office (PTO) study a variety of issues surrounding trademark protection for the official insignia of federally and/or State recognized Native American Tribes. This notice invites interested members of the public to testify at hearings on any of the topics outlined below.

DATES: Public hearings will be held on the following dates: July 8, 1999; July 12, 1999; and July 15, 1999. The July 8, 1999 hearing will start at 10 a.m. and end no later than 5 p.m. The July 12, 1999 and July 15, 1999 hearings will start at 9 a.m. and end no later than 5 p.m.

Those wishing to present oral testimony at any of the hearings must request an opportunity to do so no later than July 2, 1999.

The transcripts from each public hearing will be available for public inspection on or about August 10, 1999.

ADDRESSES: The July 8, 1999 hearing will be held in the "Silver and Turquoise Room" of the Indian Pueblo Cultural Center, located at 2401 12th NW, Albuquerque, New Mexico. The July 12, 1999 hearing will be held at the San Francisco Public Library, Koret Auditorium, Civic Center, located at 100 Larkin Street, San Francisco, California. The July 15, 1999 hearing will be held in the Commissioner's Conference Room, located in Crystal Park Two, Room 912, 2121 Crystal Drive, Arlington, Virginia.

Those interested in testifying on the topics presented below in the Supplementary Information section, or on any other related topics, should send their requests to the attention of Eleanor K. Meltzer, Attorney-Advisor, Office of Legislative and International Affairs, U.S. Patent and Trademark Office, 2121

Crystal Drive, Suite 902, Arlington, VA 22202.

Public Law 105-330 may be viewed via the Library of Congress website at: www.thomas.loc.gov.

FOR FURTHER INFORMATION CONTACT:

Eleanor K. Meltzer by telephone: 703-306-2960; by e-mail:

eleanor.meltzer@uspto.gov; or by

facsimile transmission: 703-305-8885.

SUPPLEMENTARY INFORMATION:

I. Background

On October 30, 1998, President Clinton signed Public Law 105-330. Title III of this law requires the PTO to study how official insignia of Native American Tribes may better be protected under trademark law. The new law requires that the PTO complete the study and submit a report to the chairman of the Committee on the Judiciary of the Senate and to the chairman of the Committee on the Judiciary of the House of Representatives not later than September 30, 1999. The final study must address a variety of issues, including the impact of any changes on the international legal obligations of the United States, the definition of "official insignia" of a federally and/or State recognized Native American Tribe, and the administrative feasibility, including the cost, of changing current law or policy in light of any recommendations.

On December 29, 1998, a **Federal Register** notice was published (63 FR 71619) requesting comments on how best to conduct the study, where public hearings should be held, and who should be consulted during the study process. A follow-up **Federal Register** notice was published on March 16, 1999 (64 FR 13004) requesting public comments on the issues identified below.

II. Issues

The PTO is interested in the public's views concerning all aspects of trademark protection for the official insignia of Native American Tribes, including the following issues. These issues should form the basis for testimony at the public hearings.

(1) The Definition of "Official Insignia"

For example, how should the PTO define "official insignia" of a federally or state recognized Native American Tribe?

(2) Establishing and Maintaining a List of Official Insignia

For example, how might the PTO establish a list of the official insignia of federally and/or state recognized Native

American Tribes? How might the PTO maintain such a list?

(3) Impact of Changes In Current Law or Policy

For example, how might any change in law or policy with respect to prohibiting the Federal registration of trademarks identical to the official insignia of Native American Tribes, or of prohibiting any new use of the official insignia of Native American Tribes, affect Native American Tribes? How might such changes affect trademark owners? How might such changes affect the Patent and Trademark Office? How would such changes affect any other interested party? What impact might any such changes have on the international legal obligations of the United States?

(4) Impact of Prohibition on Federal Registration and New Uses of Official Insignia

For example, how might prohibiting Federal registration of trademarks identical to the official insignia of Native American Tribes affect any/all of the above-mentioned entities? How might prohibiting any new use of the official insignia of Native American Tribes affect any/all of the above-mentioned entities? What effect might such prohibitions have on the international legal obligations of the United States? What defenses, including fair use, might be raised against any claims of infringement?

(5) Administrative Feasibility

For example, what might be the administrative feasibility, including the cost, of changing the current law or policy to prohibit the registration? What might be the administrative feasibility, including the cost, of prohibiting any new uses of the official insignia of State or federally recognized Native American Tribes? What might be the administrative feasibility, including the cost, of otherwise providing additional protection to the official insignia of federally and State recognized Native American Tribes?

(6) Timing of Changes in Protection

For example, should changes in the scope of protection for official tribal insignia be offered prospectively? Retrospectively? What might be the impact of such protection (e.g., the cost to business and the public if applied retroactively)?

(7) Statutory Changes

What statutory changes might be necessary in order to provide such protection?