

[FR Doc. 99-15863 Filed 6-22-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

I.D. 061699E

Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Fisheries for Dolphin and Wahoo

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

ACTION: Notice of agency action.

SUMMARY: NMFS, under the procedures of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), has designated the South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils (Councils) as joint preparers of a new fishery management plan for the fisheries for dolphin, *Coryphaena hippurus*, and wahoo, *Acanthocybium solandri* (FMP), throughout their range in the exclusive economic zone (EEZ) of the Atlantic, Gulf of Mexico, and Caribbean Sea. NMFS has further designated the South Atlantic Fishery Management Council (South Atlantic Council) as the Council with the administrative lead in preparing and amending this new FMP. Under the new FMP, the three Councils would jointly set the population parameters (e.g., maximum sustainable yield (MSY)) for dolphin and wahoo. NMFS has encouraged the Councils to develop an FMP framework regulatory adjustment procedure that would provide authority for each of the three Councils to establish independently regulatory measures in its respective area of jurisdiction. The Mid-Atlantic and New England Fishery Management Councils indicated a preference not to manage the stocks directly, but to serve in an advisory capacity to the other Councils with joint FMP preparation and amendment responsibility.

FOR FURTHER INFORMATION CONTACT: Robert Sadler, 727-570-5305.

SUPPLEMENTARY INFORMATION: Currently, dolphin in the EEZ of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea is managed under the FMP for the Coastal Migratory Pelagic Resources of the Gulf of Mexico and South Atlantic (Coastal Pelagics FMP). Wahoo in the EEZ is currently not managed under any Federal FMP. The Gulf and South Atlantic Councils have joint responsibility for developing and amending the Coastal Pelagics FMP

(managed species include king mackerel, Spanish mackerel, cero, cobia, dolphin, little tunny, and, in the Gulf of Mexico only, bluefish). The Coastal Pelagics FMP is implemented under authority of the Magnuson-Stevens Act by regulations at 50 CFR part 622. Presently, those regulations specify authorized and unauthorized fishing gears for dolphin and corresponding dolphin possession limits for those gears.

Given the increasing fishing pressure on dolphin and wahoo, and the sparse information available on stock structure and status, the South Atlantic Council perceives a need to provide management for dolphin and wahoo throughout their ranges. The South Atlantic Council believes that present fishery conditions require timely action to prevent overfishing and serious user group conflicts before they occur off the southern Atlantic states or elsewhere in the Atlantic EEZ. Consequently, the South Atlantic Council requested authorization under the Magnuson-Stevens Act to develop an FMP that would provide comprehensive management and protection of dolphin and wahoo in the EEZ of the Atlantic, Gulf of Mexico, and Caribbean Sea. Inclusion of dolphin in the proposed dolphin/wahoo FMP would have required its removal from the Coastal Pelagics FMP by an amendment to that FMP.

Under its request, the South Atlantic Council would have prepared the dolphin/wahoo FMP and subsequent amendments for submission to NMFS for review, approval, and implementation (as provided under section 302(h) of the Magnuson-Stevens Act). This proposed scenario would have required Council adoption of the final FMP/amendment only by majority vote of the South Atlantic Council.

On March 9, 1998 (63 FR 11422), and May 5, 1998 (63 FR 24774), NMFS published documents in the **Federal Register** affording opportunity for public comment on the South Atlantic Council's proposal. NMFS published the second document at the Gulf Council's request to allow more time for its membership to consider more fully the issues and impacts of the proposal.

After considering the South Atlantic Council's request, and the public comment received, NMFS, acting on behalf of the Secretary of Commerce (Secretary) under the procedures of the Magnuson-Stevens Act, has designated the South Atlantic, Gulf of Mexico, and Caribbean Fishery Management Councils as joint preparers of a new FMP for the fisheries for dolphin and wahoo throughout their range in the EEZ of the Atlantic, Gulf of Mexico, and

Caribbean Sea. NMFS has further designated the South Atlantic Council as the Council with the administrative lead in preparing and amending this new dolphin/wahoo FMP. Authority to designate a Council or Councils to prepare an FMP for fisheries that extend beyond one Council's geographical area of authority is granted to the Secretary under section 304(f) of the Magnuson-Stevens Act. That section further states that no jointly prepared FMP or amendment may be submitted to NMFS for review, approval, and implementation unless it is approved by a majority of the voting members, present and voting, of each Council concerned.

Under this joint designation, the Gulf, Caribbean, and South Atlantic Councils will jointly set the population parameters for dolphin and wahoo, such as MSY, optimum yield, minimum stock size threshold, and maximum fishing mortality threshold; the South Atlantic Council will have the administrative lead in establishing these parameters. NMFS will encourage the Councils to develop jointly an FMP framework regulatory adjustment procedure that will provide authority for each Council to establish independently the regulatory measures in its respective area of jurisdiction. The Mid-Atlantic and New England Fishery Management Councils have indicated a preference not to manage directly, but to serve in an advisory capacity to the other Councils. It would be the responsibility of the South Atlantic Council to coordinate matters of international concern with the other Councils.

Once completed, the dolphin/wahoo FMP or its amendments will be submitted for agency review, approval, and implementation, but only after approval by a majority of the voting members, present and voting, of the South Atlantic, Gulf, and Caribbean Councils. NMFS believes that this approach is the most expedient and practicable method to manage dolphin and wahoo effectively and equitably throughout their ranges. Managing these species throughout their ranges should facilitate maintaining populations at levels sufficient to produce MSY on a continuing basis, and ultimately optimize the socioeconomic benefits of the resource.

NMFS' approval of the dolphin/wahoo FMP would require removal of dolphin from the Coastal Pelagics FMP.

Comments and Responses

In total, 49 comments were received on the South Atlantic Council's original proposal to develop a dolphin/wahoo

FMP. Comments were received from 9 recreational fishing organizations with 1 organization commenting twice; 4 commercial organizations or associations; 7 commercial businesses with 3 businesses commenting twice; 13 other individuals with one individual commenting twice; 3 environmental organizations; 3 state agencies; and 3 Regional Fishery Management Councils with 2 Councils responding twice.

Comments were diverse. Five commenters believed that no management was needed for dolphin and wahoo, and seven commenters suggested management options for dolphin and wahoo without indicating who should assume responsibility for that management. Designation of the South Atlantic Council as the lead council to develop the FMP was supported by 14 commenters, whereas 22 commenters suggested that management of dolphin and wahoo by NMFS Highly Migratory Species Division or through joint activities of the affected Regional Fishery Management Councils would be more appropriate.

Commercial Sector

Comments: The majority of the commenters did not support the proposed designation of the South Atlantic Council as the lead Council to develop the dolphin/wahoo FMP and subsequent amendments, preferring management by NMFS' Highly Migratory Species Division (NMFS/HMSD) with the involvement of the International Commission for the Conservation of Atlantic Tunas (ICCAT) or, alternatively, a multi-Council dolphin/wahoo FMP with NMFS/HMSD and ICCAT involvement. A few commenters from the commercial sector recommended continued management of dolphin, with the inclusion of wahoo, under the Coastal Pelagics FMP. Most of the commercial sector commenters stated that the composition of the South Atlantic Council was unbalanced, with a membership that gave preference to the recreational sector. Thus, they were concerned that the commercial sector, especially pelagic longliners, would not be fairly represented during Council deliberations. Additionally, comments expressed concern about a lack of scientific data on which to base management decisions and urged NMFS or other management agencies, such as ICCAT, to begin collecting biological information on these species prior to developing an arguably unnecessary FMP.

Response: NMFS agrees that only limited biological information exists for dolphin or wahoo and, thus, the status

of the stocks are poorly known. However, this does not preclude NMFS and the Councils from taking necessary action to manage and conserve these resources, especially given the increasing fishing effort and landings for these species.

NMFS disagrees with the comments alleging bias in the composition of the South Atlantic Council membership. In approving candidates for Council membership, the Secretary and his designees endeavor to balance equitably the representation of diverse user groups and resource managers. Any management measures developed under the dolphin/wahoo FMP and its amendments that NMFS approves would have to comply fully with the national standards, other provisions of the Magnuson-Stevens Act, and other applicable law.

Councils and States

Comments: Both the Gulf and Caribbean Councils commented that they support development of a joint dolphin/wahoo FMP where the South Atlantic Council acts in an administrative lead capacity. The Gulf and Caribbean Councils requested the authority to manage unilaterally the dolphin and wahoo stocks occurring in their jurisdictional areas. Three South Atlantic states (North Carolina, Georgia, and Florida) submitted comments that supported the South Atlantic Council's FMP proposal. All of these commenters agreed that management is needed, particularly as a precautionary approach in the absence of definitive scientific information on the status of the stocks, to maintain healthy dolphin and wahoo stocks and to address fishery problems in a timely manner.

Response: NMFS believes that a joint Council dolphin/wahoo FMP, with the South Atlantic Council assuming an administrative lead, is the most expedient and practicable method to manage dolphin and wahoo effectively and equitably throughout their ranges. Managing these species throughout their ranges should facilitate maintaining populations at levels sufficient to produce MSY on a continuing basis and optimize the socioeconomic benefits of the resource. NMFS encourages the development of an FMP framework procedure for regulatory adjustments that would grant authority to the Gulf, Caribbean, and South Atlantic Councils to develop and adopt management measures for dolphin and wahoo in their respective jurisdictional areas. Ultimately, the implementation of the dolphin/wahoo FMP is contingent upon NMFS' review and approval of the submitted proposed measures.

Conservation Organizations and Private Citizens

Comments: Three conservation organizations supported the development of a dolphin/wahoo FMP by the South Atlantic Council because of concerns about significant increases in the fishing mortality on these species, thus threatening both the resource (localized depletions) and the fishery (user conflicts).

Five commenters indicated that the responsibility to preserve dolphin and wahoo fisheries should be shared equitably by both recreational and commercial fishermen. Two individuals commented that both commercial harvest and fishing tournaments that target the largest fish, which usually are the most prolific spawners, should be controlled. These commenters recommended a variety of harvest restrictions (size limits, bag limits, and closed spawning seasons/areas) to be equitably applied to both sectors.

Response: Dolphin and wahoo may become depleted by intensive fishing pressure from all fishing sectors. NMFS believes that the most equitable approach to addressing these issues is through a new dolphin/wahoo FMP developed jointly by the three Councils, with an administrative lead role for the South Atlantic Council. NMFS has encouraged the development of an FMP framework procedure that allows each Council to manage the fisheries in its respective jurisdictional area, consistent with the overall population parameters approved by all three Councils.

Recreational Sector

Comments: All recreational fishing organizations supported the management of dolphin and wahoo resources, and several commented that, in the absence of reliable stock assessment information, a management program is needed as a precautionary approach to preserve and protect dolphin and wahoo stocks. One commenter preferred the development of separate FMPs for the Gulf of Mexico and Atlantic areas because of the differing fisheries between the regions and the differences in abundance of the stocks between regions.

Some commenters expressed concern about commercial longline vessels turning to dolphin harvest to offset economic losses sustained from decreasing swordfish catches.

Response: NMFS agrees that only limited biological information exists for dolphin or wahoo and, thus, the status of the stocks is poorly known. Therefore, NMFS encourages the development of a joint dolphin/wahoo

FMP where the Councils would provide equitable management that complies with the national standards and other applicable laws in their respective jurisdictional areas, while maintaining the regionwide population at levels sufficient to produce MSY on a continuing basis.

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

Dated: June 17, 1999.

Penelope D. Dalton,

*Assistant Administrator for Fisheries,
National Marine Fisheries Services.*

[FR Doc. 99-15875 Filed 6-17-99; 4:06 pm]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 061699B]

Marine Mammals; File No. 376-1520

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Dr. James H.W. Hain, Associated Scientists at Woods Hole, Box 721, 3 Water Street, Woods Hole, MA 02543, has applied in due form for a permit to take various cetacean and sea turtle species for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before July 23, 1999.

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

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

Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930, (978/281-9250); and

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432 (813/570-5312).

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular request would be appropriate.

Comments may also be submitted by facsimile at (301) 713-0376, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson, 301/713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 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.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR parts 222-226).

The Applicant proposes to take various cetacean species, including Northern right whales, loggerhead, leatherback and kemp's ridley sea turtles, and to collect samples from stranded dead endangered species. Activities will occur in the North Atlantic Ocean and Caribbean Sea.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: June 16, 1999.

Ann D. Terbush,

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

[FR Doc. 99-16012 Filed 6-22-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052599A]

Marine Mammals

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that on May 25, 1999, Permit No. 966 (P586),

issued to Continental Shelf Associates, Inc., 759 Parkway Street, Jupiter, FL 33477-9596, was amended.

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

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

Regional Administrator, Southeast Region, National Marine Fisheries Service, NOAA, 9721 Executive Center Drive North, St. Petersburg, FL 33704-2432 (727/570-5301).

FOR FURTHER INFORMATION CONTACT: Sara Shapiro or Ruth Johnson (301/713-2289).

SUPPLEMENTARY INFORMATION: The subject amendment has been issued 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 of the governing the taking and importing (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).

The amendment authorizes the continuation of research under Permit No. 966 (P586D) for an additional year. The permit will now expire June 30, 2000.

Issuance of this permit amendment, as required by the ESA, was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: June 16, 1999.

Ann D. Terbush,

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

[FR Doc. 99-16013 Filed 6-22-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 052499H]

Marine Mammals; File No. 881-1443-03

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