

salmon ESU) under specific provisions of the incidental take permit, should these species be listed in the future.

Green Diamond also has requested a section 10(a)(1)(A) enhancement of survival permit from FWS that would authorize the take of the non-listed coastal cutthroat trout (*O. clarki clarki*), rainbow trout (*O. mykiss*), southern torrent salamander (*Rhyacotriton variegatus*), and tailed frog (*Ascaphus truei*) under specific provisions of the enhancement of survival permit, should these species be listed in the future.

On July 11, 2000, the Services formally initiated an environmental review of the project through a Notice of Intent to prepare an EIS in the **Federal Register** (65 FR 42674). The project proponent was Simpson Timber Company. In December of 2001, Simpson Timber Company transferred all of its timberlands to Simpson Resource Company, and Simpson Resource Company became the project proponent. The Notice of Intent also announced a 30-day public scoping period, during which other agencies, tribes, and the public were invited to provide comments and suggestions regarding issues and alternatives to be included in the EIS. Four public scoping meetings were held over a two-day period on July 11 and July 12, 2000, in Eureka and Crescent City, California, and a series of six informational meetings with cooperating agencies and local tribal groups also were held in August and September 2000.

On August 16, 2002, the Services published a Notice of Availability of the Draft Simpson Resource Company Aquatic Habitat Conservation Plan/Candidate Conservation Agreement with Assurances and Draft Environmental Impact Statement, Del Norte and Humboldt Counties, California in the **Federal Register** (67 FR 53567). The public review period was scheduled for 90 days from August 16, 2002, to November 14, 2002. Two public meetings were held on September 4, 2002, in Eureka, California. A total of 20 oral questions and comments were received from two public meetings, and 25 comment letters were received, comprising 1,267 separate comments. A response to each of these comments is included in the Final EIS.

Effective May 1, 2004, Simpson Resource Company, the project proponent, changed its name to Green Diamond Resource Company, and the Final EIS reflects that change.

The Final EIS is intended to accomplish the following: Inform the public of the proposed action and alternatives; disclose the direct, indirect, and cumulative environmental

effects of the proposed action and each of the alternatives; and indicate any irreversible commitment of resources that would result from implementation of the proposed action.

#### Alternatives

The Final EIS analyzes Green Diamond's proposal and four alternatives. Under the Proposed Action, the Services would issue the Permits and Green Diamond would implement their proposed Plan on approximately 417,000 acres of Green Diamond's California timberlands. Under the No Action Alternative, Permits would not be issued and Green Diamond would remain subject to the prohibition on unauthorized taking of listed species. Under a Listed Species Only Alternative (Alternative A), the Services would issue Permits only for currently listed species. The Simplified Prescriptions Alternative (Alternative B) would provide coverage for the same species as the Proposed Action, with modified management obligations. The Expanded Species/Geographic Area Alternative (Alternative C) would expand the area of coverage and the number of species covered under the Permits.

#### National Environmental Policy Act

Proposed permit issuance triggers the need for compliance with the National Environmental Policy Act (NEPA) and accordingly the Services have prepared a joint NEPA document. The Services are Co-Leads responsible for compliance under NEPA. As NEPA Co-Lead agencies, the Services are providing notice of the availability of the Final EIS and are making available for public review the responses to comments on the Draft EIS.

#### Public Review

The Services invite the public to review the Final EIS, Plan, and Implementing Agreement during a 30-day waiting period [see DATES]. Any comments received, including names and addresses, will become part of the administrative records and may be made available to the public.

Our practice is to make comments, including names, home addresses, home phone numbers, and email addresses of respondents, available for public review. Individual respondents may request that we withhold their names and /or homes addresses, etc., but if you wish us to consider withholding this information you must state this prominently at the beginning of your comments. In addition, you must present a rationale for withholding this information. This rationale must

demonstrate that disclosure would constitute a clearly unwarranted invasion of privacy. Unsupported assertions will not meet this burden. In the absence of exceptional, documentable circumstances, this information will be released. We will always make submissions from organization or businesses, and from individuals identifying themselves as representatives of or officials of organizations or businesses, available for public inspection in their entirety.

The Services will evaluate the application, associated documents, and comments submitted to them in preparation of the two Records of Decision. Permit decisions will be made no sooner than 30 days after the publication of the Final EIS and completion of the Records of Decision.

This notice is provided pursuant to section 10(a) of the Federal ESA and the applicable regulations for implementing NEPA, as amended (40 CFR 1506.6). We provide this notice in order to allow the public, agencies, or other organizations the opportunity to review these documents.

Dated: November 16, 2006.

#### Angela Somma,

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

Dated: November 7, 2006.

#### Ken McDermond,

Deputy Operations Manager, California/Nevada Operations Office, Fish and Wildlife Service, Sacramento, California.

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BILLING CODES 3510-22-S, 4310-55-S

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 101206B]

#### Magnuson-Stevens Act Provisions; Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display Permits, and Chartering Permits

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

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** NMFS announces its intent to issue Exempted Fishing Permits (EFPs), Scientific Research Permits (SRPs), Display Permits, Letters of Acknowledgment (LOAs) and Chartering Permits for the collection of

Atlantic highly migratory species (HMS) in 2007. In general, EFPs, SRPs, Display Permits, and Chartering Permits would authorize collections of a limited number of Atlantic tunas, swordfish, billfishes, and sharks from Federal waters in the Atlantic Ocean and Gulf of Mexico for the purposes of scientific data collection and public display. The issuance of EFPs to Atlantic billfishes tournaments for the use of J-hooks to fish for blue marlin is also discussed in this notice. Typically, EFPs, SRPs, LOAs, Display Permits, and Chartering Permits would be valid from the date of issuance through December 31, 2007.

**DATES:** Written comments on these collection, research, and fishing activities will be considered by NMFS when issuing EFPs, SRPs, Display Permits, and/or Chartering Permits if received on or before December 27, 2006.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- Email: [SF1.101206B@noaa.gov](mailto:SF1.101206B@noaa.gov).

Include in the subject line the following identifier: "I.D. 101206B".

- Mail: Margo Schulze-Haugen, Chief, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

- Fax: (301) 713-1917.

**FOR FURTHER INFORMATION CONTACT:**

Jackie Wilson, by phone: (404) 806-7622; or by fax: (404) 806-9188; or Chris Rilling or Karyl Brewster-Geisz, by phone: (301) 713-2347; or by fax: (301) 713-1917.

**SUPPLEMENTARY INFORMATION:** EFPs, SRPs, Display Permits, and Chartering Permits are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern scientific research activity, exempted fishing, chartering arrangements, and exempted educational activity with respect to Atlantic HMS. Scientific research is exempted from regulation under the Magnuson-Stevens Act, so NMFS does not issue EFPs for bonafide research activities (i.e., research conducted from a research vessel and not a commercial or recreational fishing vessel) involving species solely regulated under the Magnuson-Stevens Act. However, NMFS requests copies of scientific research plans, and NMFS indicates concurrence by issuing an LOA to researchers to indicate that the proposed activity meets the definition of research and is therefore exempt from regulation.

Scientific research is not exempt under ATCA. Therefore, NMFS issues SRPs involving ATCA regulated species to researchers operating from bonafide research vessels, and EFPs to researchers operating from commercial or recreational fishing vessels.

Issuance of EFPs, SRPs, and Display Permits may be necessary for the collection of scientific data and for public display because the possession of certain species or size of HMS are prohibited, possession of billfishes on board commercial fishing vessels is prohibited, and/or because the commercial fisheries for bluefin tuna and large coastal sharks may be closed for extended periods, during which time the collection of live animals and/or biological samples would be otherwise prohibited. NMFS regulations at 50 CFR 635.32 regarding the implantation or attachment of archival tags in Atlantic HMS require prior authorization and a report on collection and implantation activities.

NMFS seeks public comment on its intent to issue EFPs for the purpose of collecting biological samples under at-sea fisheries observer programs. NMFS intends to issue EFPs to the Northeast and Southeast Observer programs to allow any NMFS employee or NMFS-approved contractor/observer to bring onboard and possess (for scientific research purposes, biological sampling, measurement, etc.) any Atlantic tuna, swordfish, shark, or billfish provided the fish is a tagged and recaptured fish, dead prior to being brought onboard, or specifically authorized for sampling by the Director of NMFS' Office of Sustainable Fisheries at the request of the Southeast Fisheries Science Center or the Northeast Fisheries Science Center. On average, several hundred swordfish and sharks are collected by at-sea observers under such EFPs in any given year. Collection of bluefin tuna for age and growth, genetic, and spawning information by at-sea-observers began in 2005.

NMFS received public comments on the final Environmental Impact Statement for the final Consolidated HMS Fishery Management Plan regarding the new requirement for billfish tournaments to use only circle hooks when fishing natural baits and natural bait/artificial lure combinations (October 2, 2006; 71 FR 58058). The commenters claimed that circle hooks are not necessary to reduce post-release injury and mortality of blue marlin when fishermen use either natural bait/artificial lure combinations or with heavy tackle (line test > 80 lb) trolling at fast speeds. In response to comments, NMFS stated that it would issue EFPs

for billfish tournaments to collect additional scientific data on the impacts of J-hooks when fishing for blue marlin. NMFS has received comments during the HMS Advisory Panel meeting (October 3-4, 2006) as well as from billfish tournament directors that tournaments are not appropriate venues to collect scientific data due to the lack of standardized fishing practices and tournament operations. Accordingly, NMFS is continuing to examine more appropriate means of obtaining scientific data on the impacts of J-hooks when fishing for blue marlin. As such, NMFS is still considering the value of issuing EFPs to tournaments for this type of data collection. The Agency's decision on the issuance of these EFPs as well as alternative avenues NMFS might pursue to evaluate the impacts of J-hooks when fishing for blue marlin will be published in a future **Federal Register** notice.

NMFS is also seeking public comment on its intent to issue Display Permits for the collection of restricted species of sharks for public display in 2007. In the final 1999 Fishery Management Plan (FMP) for Atlantic Tunas, Swordfish, and Sharks (1999 FMP), NMFS established a 60 metric ton wet weight quota for the public display and research of sharks (combined). NMFS preliminarily determined that, based on average weight of sharks landed, approximately 3,000 sharks could be taken with this current quota. The actual number of sharks taken depends on the species and size of the sharks collected. NMFS believes that harvesting this amount for public display will have a minimal impact on the stock and that the number of sharks harvested for display and research will remain under the annual 60 metric ton quota. Future rulemaking may re-evaluate this quota in light of the results of recent shark stock assessments. Specifically, landings of sandbar sharks and dusky sharks collected under the auspices of an EFP, SRP, Display Permit, or LOA may be restricted more in 2007 than in previous years given the results of the shark stock assessments. In 2006, eight Display Permits were issued, authorizing the collection of 292 large coastal, 156 small coastal, and 64 prohibited sharks for display purposes. The total number reported as actually taken will not be known until early 2007. In 2005, of the 258 large coastal, 60 small coastal, and 72 prohibited sharks authorized for collection via the issuance of seven Display Permits, only 37 large coastal sharks, 53 small coastal sharks (48 of which were Atlantic sharpnose), and 4 prohibited species

were reported taken from Federal waters. In 2005, 2.22 percent of the shark display and research quota was used for public display collections.

Authorized collections or exemptions may involve activities otherwise prohibited by regulations implementing the final Consolidated HMS FMP (October 2, 2006; 71 FR 58058). Display Permits, SRPs, and EFPs, if issued, may authorize recipients to fish for and possess tunas, billfish, swordfish, and sharks outside the applicable Federal commercial seasons, size limits and/or retention limits; to fish for and possess prohibited species; or to fish for and possess HMS collected for research purposes in closed areas. NMFS may consider exempted fishing applications for bycatch reduction research in closed regions of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea to test gear modifications and fishing techniques aimed to avoid incidental capture of non-target species. Any proposed research activities must be consistent with all applicable laws and regulations. NMFS will seek additional public

comment on proposals that may be deemed controversial unless the research is being conducted by NOAA scientific researchers from bonafide NOAA research vessels.

Comments are also requested on the issuance of Chartering Permits to vessels fishing for HMS while operating under chartering arrangements within the EEZ of other nations. Chartering Permits allow a U.S. fishing vessel to fish in a manner consistent with another country's regulations without violating U.S. regulations and ensure that such vessels report to the proper authorities, consistent with International Commission for the Conservation of Atlantic Tunas (ICCAT) recommendations. To date, NMFS has only issued one Chartering Permit for a pelagic longline vessel.

Table 1 summarizes the number of exempted permits and authorized collections in 2005 and 2006, as well as the number of specimens collected in 2005. The number of specimens collected in 2006 will be available when all of the 2006 annual reports are

submitted to NMFS in early 2007. In 2005, the number of specimens collected were greater than the number of authorized specimens for Billfish EFPs. This was due to more larvae from plankton tows and whole swordfish from commercial pelagic longline vessels being collected than anticipated by scientific researchers. Otherwise, the number of specimens collected was less than the number of authorized specimens. In all cases, mortality associated with an EFP, SRP, Display Permits, or LOA (except for larvae) were counted against the appropriate quota. A total of 32 exempted permits were issued by NMFS in 2005 for the collection of HMS, whereas the number of permits issued in 2006 increased to 37 permits. In both 2005 and 2006, the greatest number of exempted permits issued were Tuna EFPs followed by Shark Display Permits. HMS SRPs had the greatest number of specimens authorized for collection in 2005 and 2006 (mainly for the collection of larvae).

TABLE 1. SUMMARY OF HMS EXEMPTED PERMITS ISSUED IN 2005 AND 2006. "HMS" REFERS TO MULTIPLE SPECIES BEING COLLECTED UNDER A GIVEN PERMIT TYPE.

	2005					2006		
	Number of Permits Issued	Number of Authorized Fish	Number of Authorized Larvae	Number of Fish Taken	Number of Larvae Taken	Number of Permits Issued	Number of Authorized Fish	Number of Authorized Larvae
EFP								
HMS <sup>3</sup>	4	677	200	47	0	4	1,100	0
Shark	5	882	0	457	0	6	605	0
Tuna	7	859	0	378	0	9	590	0
Billfish	2	175	450	190 <sup>1</sup>	616 <sup>2</sup>	3	179	0
SRP								
HMS <sup>3</sup>	4	611	2,500	26	524	4	485	1,200
Shark	3	850	0	19	0	2	400	0
Billfish	0	0	0	0	0	1	0	500
Display								
HMS <sup>3</sup>	1	98	0	0	0	1	89	0
Shark	6	379	0	94	0	7	505	0
Total	32	4,531	3,150	1,211	1,140	37	3,953	1,700
LOA <sup>4</sup>								
Shark	4	2,484	0	37	0	1	2,853	0

1. Overage was due to an overage in collection of swordfish on commercial pelagic longline vessels.

2. Number of larvae collected are difficult to determine upon collection; larvae samples are collected, preserved and counted at a later date, so applicants cannot determine if they have exceeded their authorized limit at the time of collection.

3. The discrepancies in the number of authorized specimens listed in the 2005 notice (70 FR 71467) and this notice are due to a calculation error in the 2005 notice and the inclusion of additional species in this notice (i.e., the inclusion of "other tunas" comprised of albacore, bigeye, blackfin, skipjack, and yellowfin tuna).

4. Collections made under an LOA are not authorized; rather this estimated harvest for research is acknowledged by NMFS. All sources of mortality are accounted against the appropriate quota.

Final decisions on the issuance of any EFPs, SRPs, Display Permits, and Chartering Permits will depend on the submission of all required information about the proposed activities, NMFS' review of public comments received on

this notice, consistency with relevant applicable laws and regulations, and any consultations with appropriate Regional Fishery Management Councils, states, or Federal agencies.

All requests for EFPs, SRPs, Display Permits, and Chartering Permits of a type or nature not addressed in this **Federal Register** notice will have a separate notice filed and separate public comment period.

**Authority:** 16 U.S.C. 971 *et seq.* and 16 U.S.C. 1801 *et seq.*

Dated: November 21, 2006.

**Alan D. Risenhoover,**

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

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 112006E]

#### Mid-Atlantic Regional Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Mid-Atlantic Regional Fishery Management Council (Council); its Joint Dogfish Committee; its Ecosystems Committee; and, its Squid, Mackerel, Butterfish Committee will hold public meetings.

**DATES:** The meetings will be held on Tuesday, December 12, 2006 through Thursday, December 14, 2006. See

**SUPPLEMENTARY INFORMATION** for specific dates and times and a meeting agenda.

**ADDRESSES:** This meeting will be held at the Skyline Hotel, 725 10th Ave, New York, New York 10019; telephone: (212) 586-3400.

*Council address:* Mid-Atlantic Regional Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:** Daniel T. Furlong, Executive Director, Mid-Atlantic Regional Fishery Management Council; telephone: (302) 674-2331, extension 19.

#### SUPPLEMENTARY INFORMATION:

##### Tuesday, December 12, 2006

*8 a.m. until 9:30 a.m.* - The Joint Dogfish Committee will meet to review actions taken by the Atlantic States Marine Fisheries Commission (ASMFC) regarding dogfish management and their impacts on federal management of dogfish.

*9:30 a.m. until 12 noon* - The Council will convene jointly with the ASMFC's Summer Flounder, Scup, and Black Sea Bass Board. They will review and discuss the Monitoring Committee's and the Advisory Panel's recommendations on summer flounder recreational management measures, and develop and approve management measures for the

2007 summer flounder recreational fishery.

*1 p.m. until 3 p.m.* - The Council and the ASMFC will review and discuss the Monitoring Committee's and the Advisory Panel's recommendations on scup recreational management measures and develop and approve management measures for the 2007 scup recreational fishery.

*3 p.m. until 5 p.m.* - The Council and the ASMFC will review and discuss the Monitoring Committee's and the Advisory Panel's recommendations on black sea bass recreational management measures and develop and approve management measures for the 2007 black sea bass recreational fishery.

*7 p.m. until 9 p.m.* - The Council will host a public hearing to be convened by the New England Regional Fishery Management Council regarding its Amendment 16 to the Northeast Multispecies Fishery Management Plan (FMP).

##### Wednesday, December 13, 2006

*8 a.m. until 9:30 a.m.* - The Ecosystems Committee will meet to review an initiative to develop a national system of Marine Protected Areas (MPAs), discuss a proposed NMFS Workshop on reducing post-release mortality in recreational fisheries, discuss the ASMFC's establishment of a Multispecies Technical Committee, discuss the Ecosystem-Based Management Tool Network, and discuss the U.S. Navy's Draft Environmental Impact Statement (DEIS) regarding testing of active sonar in federal waters.

*9:30 a.m. until 12 noon* - The Council and ASMFC will discuss Summer Flounder, Scup, and Black Sea Bass FMP issues. An update will be received on the status of Amendment 14 to the Summer Flounder, Scup, and Black Sea Bass FMP (scup rebuilding plan), they will review the revised list of remaining potential management measures to be addressed in Amendment 15 to the FMP to determine the need for future action, and they will discuss and address the implications and effects of any potential disconnect between specifications set by the Council under Magnuson-Stevens Act (MSA) authority and those set by the ASMFC under the Atlantic Coastal Fisheries Cooperative Management Act (ACFCMA) authority.

*1 p.m. until 1:15 p.m.* - There will be an awards presentation to recognize the 2006 Fisheries Achievement Award and Ricks E Savage Award winners.

*1:15 p.m. until 2:15 p.m.* - Meeting two of Framework 1 to the Surfclam / Ocean Quahog FMP will convene to review, select, and approve an

alternative for implementation of a Vessel Monitoring System (VMS).

*2:15 p.m. until 3 p.m.* - A presentation will be received regarding the New England Council's Omnibus Essential Fish Habitat (EFH) Amendment and its relationship to and effects on Framework 4 to the Joint Monkfish FMP. Following this presentation the Council will approve an appropriate range of Monkfish EFH designations.

*3 p.m. until 5:30 p.m.* - The Council will meet to review and approve final actions on Framework 4 to the Monkfish FMP, and review and approve the Monkfish incidental catch limits in the scallop closed areas.

*7 p.m. until 9 p.m.* - The Council will host a public hearing to be convened by the NMFS regarding its Omnibus Amendment for Standardized Bycatch Reporting Methodology (SBRM). Note: This hearing was originally scheduled for December 12, 2006 at the same location and time, but was rescheduled to this date, place, and time.

##### Thursday, December 14, 2006

*8 a.m. until 9:30 a.m.* - The Squid, Mackerel, and Butterfish Committee will meet regarding Amendment 10 to the Squid, Mackerel, and Butterfish FMP to review and adopt management alternatives for purposes of rebuilding the butterflyfish stock.

*9:30 a.m.* - The Council will convene.

*9:30 a.m. until 10 a.m.* - The Council will receive a presentation regarding a vessel cost survey on fixed costs that is to be incorporated on a voluntary basis in the 2007 vessel permit renewal cycle.

*10 a.m. until 2 p.m.* - The Council will conduct its regular business session to approve August and October Council meeting minutes, approve actions from the October meeting, receive various organizational reports, receive Committee reports and address any new or continuing business.

Although non-emergency issues not contained in this agenda may come before the Council and its Committees for discussion, these issues may not be the subject of formal Council or Committee action during this meeting. Council and Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act provided the public has been notified of the Council's intent to take final actions to address such emergencies.

#### Special Accommodations

These meetings are physically accessible to people with disabilities.