

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

[I.D. 030107C]

**Atlantic Highly Migratory Species; Exempted Fishing Permits; Request for Public Comments**

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

**ACTION:** Notice; request for an exempted fishing permit; request for public comment.

**SUMMARY:** This notice re-opens the comment period on an March 13, 2007, **Federal Register** notice that was extended on April 11, 2007, regarding a request for an exempted fishing permit (EFP) to collect fisheries data in the East Florida Coast and Charleston Bump closed areas. The extended comment period closed on April 25, 2007. NMFS is reopening the comment period due to requests from the South Atlantic Fishery Management Council (SAFMC) and others. The SAFMC has requested re-opening the comment period to include their next meeting on June 11–15, 2007. The Agency is re-opening the comment period to allow for additional comments to be received from the SAFMC and the public prior to making a determination on the application.

**DATES:** The deadline for written comments on the April 11, 2007 (72 FR 18208), notice has been re-opened until 5 p.m. on June 20, 2007.

**ADDRESSES:** You may submit comments by any of the following methods:

- Email: [SF1.030107C@noaa.gov](mailto:SF1.030107C@noaa.gov).

Include in the subject line the following identifier: "I.D. 030107C".

- Mail: Michael Clark, Highly Migratory Species Management Division (F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910. Please mark the outside of the envelope "Comments on EFP Application."
- Fax: (301)713–1917

**FOR FURTHER INFORMATION CONTACT:** Michael Clark, by phone: (301) 713–2347; fax: (301)713–1917.

**SUPPLEMENTARY INFORMATION:** EFPs are requested and issued under the authority of the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*) and the Magnuson-Stevens Fishery Conservation and Management Act (1601 U.S.C. 1801 *et seq.*), which regulate fishing activities of tunas, swordfish, sharks, and billfish. Regulations at 50 CFR 635.32 govern scientific research activity, exempted

fishing, and exempted educational activity with respect to Atlantic Highly Migratory Species (HMS).

On March 13, 2007 (72 FR 11327), NMFS published a notice announcing receipt of an application to conduct fishing activities from Pelagic Longline (PLL) vessels in portions of the East Florida Coast and Charleston Bump closed areas. The comment period was extended on April 11, 2007 (72 FR 18208). The objectives of this EFP request have not changed. The applicant states that these data would provide information on circle hook performance, target and bycatch species composition, and allow comparative analysis with historical pelagic longline logbook and observer program data. The applicant states that the goals of these fishing activities are to determine if implementation of new pelagic longline fishing practices justify the resumption of PLL fishing in the selected areas and to catch more of the United States swordfish quota. The proposed activities would occur in Federal waters of the Atlantic Ocean off Florida and South Carolina from the date of issuance through April 2008.

NMFS is re-opening the comment period until June 20, 2007, because of requests made by the South Atlantic Fishery Management and others. This will afford the Council an opportunity to consider the EFP request during their June 2007 meeting and will also provide additional time for the public to consider the application prior to the Agency making a determination.

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

Dated: May 1, 2007.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*  
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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 050107A]

**Taking of Marine Mammals Incidental to Specified Activities; Construction of the East Span of the San Francisco-Oakland Bay Bridge**

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

**ACTION:** Notice of issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) has been issued to the California Department of Transportation (CALTRANS) to take small numbers of California sea lions, Pacific harbor seals, harbor porpoises, and gray whales, by harassment, incidental to construction of a replacement bridge for the East Span of the San Francisco-Oakland Bay Bridge (SF-OBB) in California.

**DATES:** This authorization is effective from May 2, 2007 until May 1, 2008.

**ADDRESSES:** A copy of the application, IHA, and/or a list of references used in this document may be obtained by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, NMFS, (301) 713–2289, ext 137, or Monica DeAngelis, NMFS, (562) 980–3232.

**SUPPLEMENTARY INFORMATION:****Background**

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission shall be granted if NMFS finds that the taking will have no more than a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses and that the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such taking are set forth. NMFS has defined "negligible impact" in 50 CFR 216.103 as "...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to