

community organizations, Indian Treaty Tribes, the states, and the U.S. Army Corps of Engineers, which operates the dam. Under section 120, within 60 days, and after reviewing public comments in response to the **Federal Register** notice, the Task Force shall:

(1) Recommend to NMFS whether to approve or deny the proposed intentional lethal taking of pinnipeds, including along with the recommendation a description of the specific pinniped individuals, the proposed location, time and method of such taking, criteria for evaluating the success of the action and the duration of the intentional lethal taking authority; and

(2) Suggest non-lethal alternatives, if available and practicable, including a recommended course of action.

In considering whether to recommend approval or disapproval of the states' application the Task Force is to consider:

(1) Population trends, feeding habits, the location of the pinniped interaction, how and when the interaction occurs, and how many individual pinnipeds are involved;

(2) Past efforts to deter such pinnipeds, and whether the applicant has demonstrated that no feasible and prudent alternatives exist and that the applicant has taken all reasonable non-lethal steps without success;

(3) The extent to which such pinnipeds are causing undue injury to, or imbalance with, other species in the ecosystem, including fish populations; and

(4) The extent to which such pinnipeds are exhibiting behavior that presents an ongoing threat to public safety.

All Task Force meetings will be open to the public, but the public will not be allowed to discuss or debate issues with Task Force members at the meetings. NMFS intends to have a pre-designated, limited amount of time at the Task Force's first meeting and, if practicable, at subsequent meetings, to allow the public to provide new or relevant information that may assist the Task Force in its deliberations. Subsequent meetings will be determined by the Task Force. Public notice of subsequent meetings of the Task Force will be announced through NOAA Press Releases and postings on the NMFS Northwest Region website (see Electronic Access). The public may contact the NOAA Public Affairs Office in Seattle at 206-526-6172 to obtain more detailed information on the Task Force meeting dates, times and locations.

Within 60 days of its first meeting, the Task Force is to provide recommendations based on its review of the available information as listed in the statute and outlined above, comments received from the public and full discussion of alternatives for addressing the pinniped-fishery interaction below Bonneville Dam. The Task Force will be asked to develop recommendations that document the points of consensus reached by the group as well as reporting the alternate points of view when consensus is not reached. All recommendations submitted by the Task Force should fairly reflect the full range of opinion and diversity of the group. To enhance this process, NMFS has contracted with a professional facilitator to manage the Task Force, record meeting notes, and assist the group in assembling its recommendations.

The Task Force should address those considerations outlined above in formulating its recommendations. In addition, NMFS will request that the Task Force answer the following questions when preparing its recommendation for approval or disapproval of the states' application to lethally remove pinnipeds.

1. What criteria does the Task Force recommend to assist NMFS in the interpretation of "significant negative impact" and the extent to which pinnipeds are causing undue injury or impact to, or imbalance with listed species?

2. If available and practicable, what non-lethal measures does the Task Force recommend be taken prior to implementing lethal removal?

3. If lethal removal is included in its recommendations, what criteria did the Task Force use to individually identify the specific animals to be removed and which animals meet those criteria at the time the Task Force completed its deliberations?

4. If lethal removal is included in its recommendations, does the Task Force recommend a limit to the number of sea lions that may be removed and if so what is the justification for that limit?

5. If lethal removal is included in its recommendations, what limitations (if any) would the Task Force recommend on timing, location, take methods or duration of the authorization?

6. For purposes of post-implementation evaluation, what criteria does the Task Force recommend for evaluating whether the implementation of the Task Force recommendations has been successful in addressing the pinniped-fishery interaction?

7. Regardless of the outcome of this process, what might be the most

effective means to achieve a long-term resolution to the pinniped-fishery conflict?

Once the Task Force has completed its deliberations and submitted its recommendations, NMFS will determine a course of action informed by the Task Force recommendations. The ultimate decision to approve or deny the states' application, and any terms or conditions applied to any approval, lies solely with NMFS.

If the application for lethal removal authority is approved, the MMPA requires that the Task Force evaluate the effectiveness of the permitted intentional lethal taking or alternative actions implemented. Accordingly, the Task Force may need to meet again after actions to address the pinniped-fishery interaction have been implemented. If implementation is found to be ineffective in eliminating the problem interaction, NMFS will ask the Task Force to recommend additional actions. If the implementation is effective, the Task Force shall so advise NMFS and the Task Force will be disbanded.

In accordance with the MMPA, upon receipt of the recommendations from the Task Force, NMFS will have 30 days to decide whether to approve or deny the states' application for lethal removal. Notice of NMFS' final decision will be published in the **Federal Register**.

Dated: August 3, 2007.

**James H. Lecky,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XB84

#### Atlantic Highly Migratory Species (HMS); Exempted Fishing Permits

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

**ACTION:** Notice.

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**SUMMARY:** NMFS is not issuing, at this time, an exempted fishing permit (EFP) requested by Blue Water Fishermen's Association to collect data on the performance of circle hooks with regard to target catch and bycatch rates, among other variables, associated with pelagic longline (PLL) fishing activities inside the existing Charleston Bump and Florida East Coast PLL closed areas.

NMFS is investigating additional means of obtaining this data.

**FOR FURTHER INFORMATION CONTACT:**

Russell Dunn, 727-824-5399; fax: 727-824-5398; or Chris Rilling, 301-713-2347; fax: 301-713-1917.

**SUPPLEMENTARY INFORMATION:** EFPs are requested and issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 50 CFR 635.32 govern scientific research activity, exempted fishing, and exempted educational activity with respect to Atlantic Highly Migratory Species.

The Blue Water Fishermen's Association requested exemptions from certain regulations applicable to the harvest and landing of Atlantic HMS in order to collect data on the performance of mandatory circle hooks with regard to target catch and bycatch rates, hooking location, and mortality of fish at haul back. The proposal included data collection in the existing Charleston Bump and Florida East Coast pelagic longline closed areas. After considering public comment received, as requested in the **Federal Register** (72 FR 11327, March 13, 2007); (72 FR 18208, April 11, 2007); (72 FR 25748, May, 7, 2007), the Agency has decided not to issue a permit as requested by the current application. Specifically, the proposal did not discuss anticipated effort levels or the spatio-temporal distribution of effort, did not identify "control" fishing locations, and did not justify the number of vessels proposed to participate in the fishery. Absence of this information limits the ability of the Agency to evaluate the potential effectiveness of the data collection program and to analyze its impacts.

NMFS supports collecting such data under controlled circumstances and as part of a program with a scientifically rigorous study design. These data are critical to evaluating the efficacy of bycatch mitigation efforts, including required bycatch reduction gears and time/area closures in the Atlantic pelagic longline fishery. As such, NMFS is actively considering under what circumstances and how best to conduct scientific research that is necessary to evaluate the effectiveness of current bycatch reduction measures.

Dated: August 3, 2007.

**Alan Risenhoover,**

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

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**BILLING CODE 3510-22-S**

**DEPARTMENT OF DEFENSE**

**Office of the Secretary**

**Strategic Environmental Research and Development Program, Scientific Advisory Board**

**AGENCY:** Department of Defense.

**ACTION:** Notice of open meeting.

**SUMMARY:** This Notice is published in accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463). The topic of the meeting on September 11-13, 2007 are to review new start and continuing research and development projects requesting Strategic Environmental Research and Development Program funds in excess of \$1M. This meeting is open to the public. Any interested person may attend, appear before, or file statements with the Scientific Advisory Board at the time and in the manner permitted by the Board.

**DATES:** September 11-12, 2007 from 9 a.m. to 4:30 p.m. and September 13 from 9 a.m. to 12 p.m.

**ADDRESSES:** SERDP Program Office Conference Center, 901 North Stuart Street, Suite 804, Arlington, VA 22203.

**FOR FURTHER INFORMATION CONTACT:** Ms. Sharee Malcolm, SERDP Program Office, 901 North Stuart Street, Suite 303, Arlington, VA or by telephone at (703) 696-2119.

Dated: August 3, 2007.

**C.R. Choate,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

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**DEPARTMENT OF DEFENSE**

**Department of the Army; Corps of Engineers**

**Intent To Modify a Draft Environmental Impact Statement for Water Conservation Area 3 Decompartamentalization and Sheet-flow Enhancement in Broward County, FL**

**AGENCY:** Department of the Army, U.S. Army Corps of Engineers, DOD.

**ACTION:** Notice of intent; modification.

**SUMMARY:** The U.S. Army Corps of Engineers (Corps), Jacksonville District, previously published a Notice of Intent (NOI) to prepare an integrated Project Implementation Report/Environmental Impact Statement (PIR/EIS) for the Water Conservation Area 3 Decompartamentalization and Sheet-flow

Enhancement Project (DECOMP), Part 1 on December 4, 2003 (68 FR 67841). Following publication of the NOI, the scope of this initial part of DECOMP was altered to focus specifically on the alternatives to reduce barriers to sheet-flow within WCA 3A. Modification of eastern Tamiami Trail, south of WCA 3, will be considered in future efforts. The project's collaborator, intent, authorization, plan formulation process, and issues to be addressed remain as described in the original NOI.

**DATES:** The meeting dates are:

1. August 21, 2007, 6 p.m. to 8:30 p.m., West Palm Beach, FL.

2. August 23, 2007, 6 p.m. to 8:30 p.m., Pembroke Pines, FL.

**ADDRESSES:** The meeting locations are:

1. South Florida Water Management District, 3301 Gun Club Road, West Palm Beach, FL 33406.

2. Southwest Regional Library, 16835 Sheridan Street, Pembroke Pines, FL 33331.

**FOR FURTHER INFORMATION CONTACT:** U.S. Army Corps of Engineers, Planning Division, Environmental Branch, P.O. Box 4970, Jacksonville, FL 32232-0019; Attn: Mr. Ernest Clarke or by telephone at 904-232-1199 or e-mail at [ernest.clarke@saj02.usace.army.mil](mailto:ernest.clarke@saj02.usace.army.mil).

**SUPPLEMENTARY INFORMATION:**

a. *Authorization:* Section 601 of the Water Resources Development Act of 2000 (Pub. L. 106-541) authorized the implementation of the DECOMP Project.

b. *Study Area:* The study area includes the WCA 3 and the northeast section of Everglades National Park, in Broward and Miami-Dade Counties.

While the project area and area of anticipated benefits is located almost entirely within WCA 3A, the potential area of impacts is broader. Therefore, the study area considered in the report will extend from the southern end of Lake Okeechobee to the north through WCA 3A and 3B to just south of the Tamiami Trail (US 41).

c. *Project Scope:* The scope includes conducting an assessment of the study area and continuing plans for restoring sheet flow through WCA 3A. The evaluation of the alternatives and selection of a recommended plan will be documented in the PIR/DEIS. The alternative plans will be reviewed under provisions of appropriate laws and regulations, including the Endangered Species Act, Fish and Wildlife Coordination Act, Clean Water Act, and Farmland Protection Policy Act.

d. *Preliminary Alternatives:* The study includes two components of the Central & South Florida Comprehensive Everglades Restoration Plan: Backfilling