

There are several LE options for Alternative 2 to establish an initial pool of qualifiers; the criteria that may be involved include prior landings history for swordfish, years of fishing experience, recent participation in a swordfish fishery, and/or ownership of a drift gillnet permit. Two area closure options will also be considered under this alternative. The fishery would either be constrained to east of 150 W. longitude, or east of 140 W. longitude; analyses developed in conjunction with the HMS FMP suggested that loggerhead takes were lower the farther east fishing occurred up to the West Coast EEZ boundary.

Alternative 3 would establish a management framework for a West Coast-based SSSL fishery seaward of the U.S. EEZ without a LE permit program. The management framework would contain the following provisions: (1) the fishery would be constrained to east of 140° W. longitude; (2) owners of a Hawaii Pelagics LE permit would not qualify for the West Coast LE permit; and (3) sea turtle take mitigation measures (e.g., gear requirements, 100 percent observer coverage, take caps) would be required.

#### Protected Species Mitigation Measures

Alternatives 2 and 3 would be subject to many of the same gear restrictions applicable to the Hawaii SSSL fishery, including the use of large circle hooks that are less likely to be deeply ingested by turtles as compared to traditional J-hooks, mackerel-type bait, and longer branch-lines to allow animals to surface and breathe after being hooked. In addition, U.S. fishermen would be required to have NMFS-approved safe handling gear on board to assist in boarding sea turtles, and de-hooking and releasing the gear from sea turtles, as well as training in resuscitation techniques to maximize the survival rate of sea turtles. Gear-related requirements would be harmonized with the Hawaii regulations as much as possible to ease compliance and minimize impacts to protected resources. In addition, any future West Coast-based SSSL fishery would be required to have 100 percent observer coverage.

There would also be established take caps for ESA-listed loggerhead and leatherback sea turtles based on a formal ESA Section 7 consultation. The Council could recommend specific take caps as part of their preferred alternative, based on informal consultation with NMFS Protected Resources Division, or the Incidental Take Statement that would be part of the Biological Opinion produced as part of the formal Section 7 consultation.

Take caps would be applied annually and the fishery would close immediately if they were reached. The fishery would reopen at the start of the next fishing year (April 1) with a new set of take caps in effect.

To address potential resource concerns and/or fishery conflicts for species not designated and managed as protected species, additional management measures, such as maximum allowable harvest caps may be considered. This may include, but is not bound by or limited to, striped marlin, and commercially important tuna species that are HMS FMP management unit species (e.g., yellowfin, bigeye, bluefin, and albacore tuna) and which are being managed under the purview of conservation measures established by Regional Fishery Management Organizations.

#### Other Documentation

As required in Section 7(a)(2) of the ESA (16 U.S.C. 1531 *et seq.*), NMFS will initiate a formal consultation with NMFS Protected Resources Division to determine if the proposed action is likely to jeopardize the continued existence and recovery of any endangered or threatened species, or result in the destruction or adverse modification of critical habitat. NMFS also plans to consult with the National Marine Sanctuary Program in regards to potential impacts to Sanctuary resources, the U.S. Fish and Wildlife Service concerning potential impacts to endangered seabirds, and internally with the NMFS Habitat Conservation Division concerning essential fish habitat components.

#### Additional Scoping Opportunities

Public scoping has already occurred as part of the Council's decision-making process and will continue through Council final action. All decisions during the Council process benefit from written and oral public comments delivered prior to or during the Council meetings. These public comments are considered integral to the scoping process and development of the SEIS. The Council is scheduled to choose a preliminary preferred alternative at their September 7–12, 2008 meeting in Boise, Idaho and take final action to select a preferred alternative at their March 7–12, 2009 meeting in Seattle, Washington. Written comments submitted to the Council by August 20, 2008 will be made available to the Council in advance briefing materials for their September meeting. Opportunities for oral public comment are also offered at Council meetings. For

more information see the Council's website ([www.pcouncil.org](http://www.pcouncil.org)).

Request for Comments NMFS requests public comment on the Notice of Intent to prepare a Supplemental Environmental Impact Statement for Amendment 2 to the Fishery Management Plan for U.S. West Coast Fisheries for Highly Migratory Species.

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

Dated: August 1, 2008.

**Alan D. Risenhoover,**

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

[FR Doc. E8–18106 Filed 8–6–08; 8:45 am]

**BILLING CODE 3510–22–S**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XJ40

#### Endangered Species; File No. 13543

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the South Carolina Department of Natural Resources, 217 Ft. Johnson Rd., Charleston, SC 29412, has applied in due form for a permit to take loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (*Eretmochelys imbricata*) sea turtles for purposes of scientific research.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before September 8, 2008.

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301)427–2521; and Southeast Region, NMFS, 263 13th Avenue South, St. Petersburg, FL 33701; phone (727)824–5312; fax (727)824–5309.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education 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)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is *NMFS.Pr1Comments@noaa.gov*. Include in the subject line of the e-mail comment the following document identifier: File No. 13543.

**FOR FURTHER INFORMATION CONTACT:** Patrick Opay or Amy Hapeman, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

The proposed research would further the understanding of the growth, distribution, and life history of sea turtles. The applicant requests a five-year permit to annually handle, measure, weigh, passive integrated transponder tag, flipper tag, and photograph up to 45 loggerhead, 6 green, 15 Kemp's ridley, 6 leatherback, and 2 hawksbill sea turtles. These animals would have already been captured by authorized coastal trawl surveys taking place in waters off of North Carolina to Florida.

Dated: July 31, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-18105 Filed 8-6-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-X161

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program

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

**ACTION:** Notification of fee percentage.

**SUMMARY:** NMFS publishes a notification of a one and five one-

hundredths (1.05) percent fee for cost recovery under the Bering Sea and Aleutian Islands Crab Rationalization Program (Program). This action is intended to provide holders of crab allocations with the fee percentage for the 2008/2009 crab fishing year so they can calculate the required payment for cost recovery fees that must be submitted by July 31, 2009.

**DATES:** The Crab Rationalization Program Registered Crab Receiver permit holder is responsible for submitting the fee liability payment to NMFS on or before July 31, 2009.

**FOR FURTHER INFORMATION CONTACT:** Gretchen Harrington or Glenn Merrill, 907-586-7228.

#### SUPPLEMENTARY INFORMATION:

##### Background

NMFS Alaska Region administers the Crab Rationalization Program in the North Pacific. Fishing under the Program began in August 15, 2005. Regulations implementing the Program are set forth at 50 CFR part 680.

The Program is a limited access system authorized by section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Program includes a cost recovery provision to collect fees to recover the actual costs directly related to the management and enforcement of the Program. NMFS developed the cost recovery provision to conform with statutory requirements and to partially compensate the agency for the unique added costs of management and enforcement of the Program. Section 313(j) of the Magnuson-Stevens Act provided supplementary authority to section 304(d)(2)(A) and additional detail for cost recovery provisions specific to the Program. The cost recovery provision allows collection of 133 percent of the actual management, data collecting, and enforcement costs up to three percent of the ex-vessel value of crab harvested under the Program. Additionally, section 313(j) requires the harvesting and processing sectors to each pay half the cost recovery fees. Catcher/processor quota share holders are required to pay the full fee percentage.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed. The crab allocations include Individual Fishing Quota (IFQ), Crew IFQ, Individual Processing Quota, Community Development Quota, and the Adak community allocation. The Registered Crab Receiver (RCR) permit holder must collect the fee liability from the crab allocation holder who is landing crab.

Additionally, the RCR permit holder must collect his or her own fee liability for all crab delivered to the RCR. The RCR permit holder is responsible for submitting this payment to NMFS on or before the due date of July 31, following the crab fishing year in which payment for the crab is made.

The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed three percent) by the ex-vessel value of crab debited from the allocation. Specific details on the Program's cost recovery provision may be found in the implementing regulations set forth at 50 CFR 680.44.

##### Fee Percentage

Each year, NMFS calculates and publishes in the **Federal Register** the fee percentage according to the factors and methodology described in Federal regulations at § 680.44(c)(2). The formula for determining the fee percentage is the "direct program costs" divided by "value of the fishery," where "direct program costs" are the direct program costs for the Crab Rationalization Program for the previous fiscal year, and "value of the fishery" is the ex-vessel value of the catch subject to the crab cost recovery fee liability for the current year. Using this fee percentage formula, the estimated percentage of costs to value for the 2007/2008 crab fishing year was 1.05 percent. Therefore, the fee percentage will be 1.05 percent for the 2008/2009 crab fishing year.

In all previous crab fishing years, the estimated percentage of costs to value have exceeded three percent. However, the Magnuson-Stevens Act, at section 304(d)(2)(B), prohibits NMFS from collecting fees greater than three percent of the ex-vessel value of the crab harvests under the Program. The fee percentage for the 2008/2009 crab fishing year is less than three percent due to a variety of factors including the increasing value of the fishery due to increased total allowable catch limits for various crab species such as Bristol Bay red king crab (*Paralithodes camtschaticus*) and Bering Sea Snow crab (*Chionoecetes opilio*), increased exvessel price per pound of crab relative to previous years, and decreased management costs relative to previous years primarily due to decreased staff and contract costs.

**Authority:** 16 U.S.C. 1862 *et seq.*

Dated: August 1, 2008.

**Alan D. Risenhoover,**

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

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