

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice of receipt of an application for an exempted fishing permit; request for comments.

**SUMMARY:** NMFS announces the receipt of an application for an exempted fishing permit (EFP) from the Gulf Fishermen's Association. If granted, the EFP would authorize the applicants, with certain conditions, to collect limited numbers of undersized and out-of-season reef fish in Gulf of Mexico Federal waters. It would also allow a limited number of red snapper to be collected outside the Gulf of Mexico Individual Fishing Quota (IFQ) program. This study is intended to provide detailed information and disposition of reef fish discards by the eastern Gulf of Mexico commercial reef fish fishery.

**DATES:** Comments must be received no later than 5 p.m., eastern time, on November 17, 2008.

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

- E-mail: [Peter.Hood@noaa.gov](mailto:Peter.Hood@noaa.gov).

Include in the subject line of the e-mail comment the following document identifier: "GFA EFP".

- Mail: Peter Hood, Southeast Regional Office, NMFS, 263 13<sup>th</sup> Avenue South, St. Petersburg, FL 33701.

- Fax: 727-824-5308.

The application and related documents are available for review upon written request to any of the above addresses.

**FOR FURTHER INFORMATION CONTACT:** Peter Hood, 727-824-5305; fax: 727-824-5308; e-mail: [Peter.Hood@noaa.gov](mailto:Peter.Hood@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The EFP is requested under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.*), and regulations at 50 CFR 600.745(b) concerning exempted fishing.

The described research is part of a Cooperative Research Program Grant (Cooperative Agreement No. NA08NMF4540401). The Cooperative Research Program is a means of involving commercial and recreational fishermen in the collection of fundamental fisheries information. Resource collection efforts support the development and evaluation of fisheries management and regulatory options.

The proposed collection for scientific research involves activities otherwise prohibited by regulations implementing the Fishery Management Plan for the Reef Fish Resources of the Gulf of Mexico. The applicants require

authorization to harvest and possess undersized and out-of-season snapper and grouper for scientific research activities during a 1-year period beginning late in 2008. It would also allow the applicants to land red snapper outside of the current IFQ program over this same time period. Specimens would be collected from Federal waters off the west coast of Florida, in three geographical areas: NMFS' Gulf of Mexico statistical grids 2-4, 5-7, and 8-10. Sampling would occur during normal fishing operations of the commercial reef fish longline and vertical hook-and-line fishery. The applicant intends to use 10 longline and 10 vertical hook-and-line gear vessels to randomly collect up to 300 reef fish from each of the three geographical areas. The applicant also intends to retain 100 percent of the catch during two fishing trips within each of three geographical areas. Fish from these portions of the study will be provided to NMFS personnel for length and life history information to better characterize the discards in the commercial fishery. Finally, the applicants will use logbooks and video monitors to test methods for real-time catch reporting and at-sea observation. Data collections for this study would support improved information about the catch, bycatch, discards, and discard mortality for reef fish species.

Accurate estimates of bycatch and the level of discards is a persistent problem for assessing Gulf of Mexico reef fish stocks. Using fisheries dependant data accompanied by independent video monitoring would help establish reliability of current bycatch information and provide a higher level of confidence from various constituents interested in this fishery. Additionally, this information would assist fishery managers in developing more effective regulations to reduce bycatch and discard mortality.

NMFS finds this application warrants further consideration. Based on a preliminary review, NMFS intends to issue an EFP. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, or special management zones, without additional authorization. Additionally, NMFS may prohibit the possession of Nassau or goliath grouper, and require any sea turtles taken incidentally during the course of fishing or scientific research activities to be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water. A final decision on issuance

of the EFP will depend on a NMFS review of public comments received on the application, consultations with the affected states, the Gulf of Mexico Fishery Management Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

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

Dated: October 9, 2008.

**Emily H. Menashes,**

*Acting 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

**RIN 0648-XL19**

#### Marine Mammals; File No. 13614

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

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

**SUMMARY:** Notice is hereby given that Sea World, Inc., 9205 South Park Circle, Suite 400, Orlando, FL 32819, has applied in due form for a permit to import one pilot whale (*Globicephala melas*) for the purposes of public display.

**DATES:** Written or telefaxed comments must be received on or before November 17, 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 Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213; phone (562)980-4001; fax (562)980-4018.

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](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 13614.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Kristy Beard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant requests authorization to import one male pilot whale from the Lisbon Zoo (Jardim Zoológico de Lisboa), Estrada de Benfica, 158 - 160, 1549 - 004, Lisboa, Portugal to Sea World of California. The applicant requests this import for the purpose of public display. The receiving facility, Sea World of California, 1720 South Shores Road, San Diego, CA 92109-7995 is: (1) open to the public on regularly scheduled basis with access that is not limited or restricted other than by charging for an admission fee; (2) offers an educational program based on professionally accepted standards of the AZA and the Alliance for Marine Mammal Parks and Aquariums; and (3) holds an Exhibitor's License, number 93-C-0069, issued by the U.S. Department of Agriculture under the Animal Welfare Act (7 U.S.C. 2131 - 59).

In addition to determining whether the applicant meets the three public display criteria, NMFS must determine whether the applicant has demonstrated that the proposed activity is humane and does not represent any unnecessary risks to the health and welfare of marine mammals; that the proposed activity by itself, or in combination with other activities, will not likely have a significant adverse impact on the species or stock; and that the applicant's expertise, facilities and resources are adequate to accomplish successfully the objectives and activities stated in the application.

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: October 10, 2008.

**P. Michael Payne,**

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

[FR Doc. E8-24596 Filed 10-15-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XL21**

#### Marine Mammals; File No. 633-1763

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

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

**SUMMARY:** Notice is hereby given that the Center for Coastal Studies (CCS) has requested an amendment to scientific research Permit No. 633-1763.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before November 17, 2008.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov/index.cfm>, and then selecting File No. 633-1763 from the list of available applications. These documents are also available upon written request or by appointment in the following office(s):

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.

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

Written comments or requests for a public hearing on this request should be submitted 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 amendment 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](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 633-1763.

**FOR FURTHER INFORMATION CONTACT:** Kristy Beard or Kate Swails, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject amendment to Permit No. 633-1763, issued on April 21, 2005 (70 FR 22299) is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), and the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*). Permit No. 633-1763 authorizes the permit holder to harass North Atlantic right whales (*Eubalaena glacialis*) during close approaches for aerial and vessel surveys with associated photo-identification and behavioral observations in the Gulf of Maine, Cape Cod Bay, Great South Channel, and Georgia Bight, and the collection and export of sloughed right whale skin. The original application submitted by CCS included a request to collect biopsy samples from North Atlantic right whales. At the time of permit issuance, takes for biopsy samples were not authorized. NMFS is now reviewing the biopsy sample portion of the request as an amendment to Permit No. 633-1763. CCS requests authorization to biopsy sample up to 30 North Atlantic right whales annually during close vessel approaches for photo-identification and behavioral observation; authorization is requested to biopsy up to 10 of these right whales two times to contribute to individual whale's health assessments. This work would continue long-term population monitoring to determine status and trends of this species in the North Atlantic. The amendment would be valid until the permit expires on May 1, 2010.

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.