

FOR FURTHER INFORMATION CONTACT:
Charles A. Oravetz, 813-570-5312, or
Russell Bellmer, 301-713-1401.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 7 of the Endangered Species Act (ESA), 16 U.S.C. 1531 *et seq.*, NMFS consults on shrimp fishing operations in the southeastern United States that may affect sea turtles listed as threatened or endangered under the ESA. These shrimp fishing operations are managed, in part, under the Gulf of Mexico Shrimp Fishery Management Plan and the South Atlantic Shrimp Fishery Management Plan, both implemented pursuant to the Magnuson Fisheries Management and Conservation Act, 16 U.S.C. 1801 *et seq.*, and the Sea Turtle Conservation Regulations at 50 CFR 227.72, implemented under the ESA.

Unprecedented levels of sea turtle stranding levels in Texas, Louisiana, and Georgia associated with shrimp fishing during 1994 resulted in a reinitiation of consultation pursuant to 50 CFR 402.16 on shrimp fishing in the southeastern United States. The resulting Biological Opinion (Opinion), issued on November 14, 1994, concluded that continued long-term operation of the fishery under the current management regime was likely to jeopardize the continued existence of the Kemp's ridley and prevent the recovery of loggerheads, but identified a reasonable and prudent alternative to allow the fishery to continue while avoiding jeopardy. One of the components of the alternative was to develop an ERP by March 14, 1995, to ensure compliance with sea turtle conservation regulations and respond to sea turtle stranding events. The ERP provides internal guidance and policy on NMFS' enforcement efforts and seeks to use future rulemaking to meet these goals. The ERP is available for public information, and NMFS will accept public comments.

The scope of the ERP extends to waters 10 nautical miles (18.5 km) seaward of the COLREGs demarcation line (72 COLREGs) as described in 33 CFR part 80. This includes offshore waters, and does not include bays, estuaries and sounds.

The Opinion includes an incidental take statement identifying the expected impact of takings as a result of shrimp fishing. The Opinion provides that strandings of sea turtles will be considered an indicator of nearshore mortality resulting from shrimp fishing during periods when intensive shrimping effort occurs and there are no significant or intervening natural or

human sources of mortality other than shrimping conclusively identified as the cause of the strandings. The ERP provides procedures for notification of strandings by Sea Turtle Stranding and Salvage Network coordinators to NMFS. The ERP also provides procedures for public dissemination of stranding report summaries, enforcement activities, and management measures.

In addition, the ERP provides internal guidelines for enforcement actions and future management measures to be implemented through rulemaking. The purpose of the ERP in providing this guidance is to take a progressive approach in avoiding increased levels of strandings as those levels approach the incidental take level identified in the Opinion.

The ERP identifies two areas in which strandings of Kemp's ridley sea turtles are historically high: The Northern Gulf Interim Special Management Area, including waters off Louisiana and Texas, and the Atlantic Special Management Area, including waters off northeast Florida and Georgia, from the COLREGS line out to 10 nautical miles (18.5 km). From April 1 through November 30, members of a trained Turtle Excluder Device (TED) law enforcement team will investigate compliance with TED regulations in these areas. If strandings exceed 75 percent of the weekly incidental take levels, identified in the Opinion, for 2 consecutive weeks, management measures will be implemented through separate rulemaking pursuant to 50 CFR 227.72(e)(6) and the Administrative Procedure Act, 5 U.S.C. 551 *et seq.* (APA). These measures will remain in effect for 30 days in those NMFS statistical zones in which elevated strandings occur and adjacent statistical zones (or portions of adjacent zones), seaward of the COLREGs line to 10 nautical miles (18.5 km). These measures are expected to be:

1. Prohibition of the use of soft TEDs;
2. Prohibition of the use of bottom opening TEDs;
3. Prohibition of the use of try nets, unless equipped with legal TEDs; and
4. Prohibition of the use of flaps over the escape opening of TEDs.

Changes to the size and extent of the restricted area, or modification of restrictions, may be required through additional rulemaking effective for 30 days.

Continued elevated strandings associated with shrimping effort after the above restrictions have been implemented may result in closures to shrimp fishing in the NMFS statistical zones in which elevated strandings occur and adjacent statistical zones (or

portions of adjacent zones), seaward of the COLREGs line to 10 nautical miles (18.5 km). Area closures, if necessary, will be implemented through separate rulemaking pursuant to the procedures identified at 50 CFR 227.72(e)(6) and the APA. Changes to the size and extent of the area closures, or modification of restrictions, may be required, through additional rulemaking, effective for 30 days.

The ERP further provides for procedures in the event that the Agency determines that such management measures are not necessary despite elevated stranding levels.

Lastly, the ERP provides for stranding notification procedures, procedures regarding enforcement efforts, and procedures for taking management measures in areas outside the Interim Special Management Areas.

The Opinion, in addition to the ERP, requires a number of other management initiatives. In fulfilling these requirements, permanent rules may be prepared establishing special sea turtle management areas and/or contingency restrictions to the shrimp fishery. Such rulemaking will be done through normal rulemaking procedures, including publication of a proposed rule with a public comment period and, as appropriate, public hearings, prior to publication of a final rule and delayed effective date.

Dated: April 5, 1995.

William W. Fox, Jr.,

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

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[I.D. 041195B]

Marine Mammals

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

ACTION: Request to export nonreleasable beached and stranded marine mammals (P588).

SUMMARY: Notice is hereby given that Enoshima Aquarium, 2-17-25, Katase-Kaigan, Fujisawa-City, Kanagawa, 251, Japan, has requested authorization to export for public display purposes two nonreleasable beached and stranded California sea lions from a U.S. rehabilitation facility.

ADDRESSES: The request for authorization and related documents are available for review upon written request to the Chief, Permits Division, F/PR1, Office of Protected Resources,

NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910-3226.

Relevant written comments about this request should be submitted to the above address on or before May 22, 1995.

FOR FURTHER INFORMATION CONTACT: Ann Hochman, 301/713-2289.

SUPPLEMENTARY INFORMATION: Enoshima Aquarium, Kanagawa, Japan, is requesting authorization for the export of two nonreleasable rehabilitated female California sea lions (*Zalophus californianus*) for the purpose of public display under the Marine Mammal Protection Act of 1972 (MMPA), as amended (16 U.S.C. 1361 *et seq.*).

The permanent retention or export for public display purposes of a beached or stranded marine mammal taken for the purpose of rehabilitation under section 109(h) of the MMPA must be authorized by NMFS. Under the 1994 amendments to the MMPA, in order to obtain any marine mammal for public display purposes, the recipient must: (1) Offer a program for education or conservation purposes that is based on professionally recognized standards of the public display community; (2) be registered or hold a license issued under 7 U.S.C. 2131 *et seq.*; i.e., from the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (or, for foreign facilities, meet comparable standards); and (3) maintain facilities for the public display of marine mammals that are open to the public on a regularly scheduled basis and to which access is not limited or restricted other than by charging of an admission fee.

In this regard, the required certifications and statements provided by the Enoshima Aquarium and the Japanese Fisheries Agency have been submitted to NMFS and APHIS, and have been found appropriate and sufficient to allow consideration of the request.

Dated: April 17, 1995.

Ann D. Terbush,

Chief, Division of Permits and Documentation, National Marine Fisheries Service.

[FR Doc. 95-9876 Filed 4-20-95; 8:45 am]

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[I.D. 041395A]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of its Texas Habitat Protection Advisory Panel on May 3, 1995.

DATES: The meeting will be held on May 3, 1995, from 9:00 a.m. to 3:00 p.m.

ADDRESSES: The meeting will be held at the Marriott Intercontinental Airport Hotel, 18700 John F. Kennedy Boulevard, Houston, TX 77032.

FOR FURTHER INFORMATION CONTACT: Richard J. Hoogland, Biologist, Gulf of Mexico Fishery Management Council, 5401 West Kennedy Boulevard, Suite 331, Tampa, FL 33609; telephone: 813-228-2815.

SUPPLEMENTARY INFORMATION: The meeting agenda is as follows: Review and discuss fisheries-related studies by Texas A&M Sea Grant University, grass carp infestation into Texas estuaries, occurrence of an exotic brown mussel on the Texas coast, shrimp mariculture issues, Corps of Engineers activities concerning the Laguna Madre and other segments of the Gulf Intracoastal Waterway and the Houston/Galveston ship channel, as well as an update of the Wallisville project and Jefferson County beach nourishment.

Requests for sign language interpretation or other auxiliary aids should be directed to Julie Krebs at the above address by April 26, 1995.

Dated: April 18, 1995.

Richard H. Schaefer,

Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 95-9947 Filed 4-20-95; 8:45 am]

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[I.D. 041195C]

National Marine Fisheries Service; Marine Fisheries Advisory Committee; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: Notice is hereby given of meetings of the Marine Fisheries Advisory Committee (MAFAC) from May 8 to May 10, 1995.

DATES: The meetings are scheduled as follows:

1. May 8, 1995, 9 a.m.-4 p.m.;
2. May 9, 1995, 8:30 a.m.-5 p.m.; and
3. May 10, 1995, 8:30 a.m.-3:45 p.m.

ADDRESSES: The meeting will be held at the Bethesda Ramada, 8400 Wisconsin Ave, Bethesda, MD.

Requests for special accommodations may be directed to MAFAC, Management Services Office, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Richard Wheeler, Executive Secretary; telephone: (301) 713-2259.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. App. (1982), notice is hereby given of a meeting of MAFAC. MAFAC was established by the Secretary of Commerce (Secretary) on February 17, 1971, to advise the Secretary on all living marine resource matters that are the responsibility of the Department of Commerce. This Committee ensures that the living marine resource policies and programs of this Nation are adequate to meet the needs of commercial and recreational fishermen, and environmental, state, consumer, academic, and other national interests.

Matters to be Considered

May 8, 1995—Subcommittee Meetings

- (1) Steering Committee;
 - (2) Marine Recreational Fisheries Committee;
 - (3) Protected Resources/Habitat Committee;
 - (4) Seafood Markets and Trade Committee; and,
 - (5) Commercial Fisheries Committee.
- May 9, 1995*
- (1) Report of subcommittees;
 - (2) Report of Bycatch Task Force on research findings;
 - (3) Report on the NMFS budget(s); and
 - (4) Report on the Status of the NMFS Charter.

May 10, 1995

- (1) Report on the NMFS Habitat Program: Status and water quality issues;
- (2) Report on the Wetland Restoration Program;
- (3) Examination of the wetland construction processes;
- (4) Report on the status of bycatch-related legislation; and
- (5) Open panel discussion.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to MAFAC (see **ADDRESSES**).