

materials not utilized in the digestive process of the grow out species. No bycatch from any fisheries will be used as a source of food for this project.

There will be a comprehensive environmental monitoring program for the project developed by the Environmental Protection Agency. The monitoring program is described in Appendix 2 of the environmental assessment prepared for granting of an EFP for the project, should the project be approved. A copy of the environmental assessment can be obtained from Peter J. Eldridge (see **ADDRESSES**).

The monitoring program will utilize a transect approach to sampling. Benthic and water quality samples will be collected at intervals on two transects passing through the center of the cluster of cages. Each transect will be 2 km in length, and the transects intersect at the center of the cage cluster. The first transect lies parallel to the predominate current direction, and the second transect lies perpendicular to the first, or the predominate current. Control samples, water and benthos unaffected by cage operations, will be collected at the end of each transect. Prior to sampling, a description of the bathymetric and topographic characteristics of the mariculture site will be conducted.

During each sampling event, at the beginning and end of the period of active sampling, sea surface conditions (wind, wave amplitude and frequency, rain, cloud cover, and air temperature) will be recorded. Also, current stocking density, feeding rate reported on a per-cage and total-farm basis, and an analysis of feed contents (feed label information) will be noted.

Physical and chemical water quality parameters will include dissolved oxygen, salinity, temperature, turbidity, total suspended solids, chlorophyll, ammonia-N, nitrite-N, nitrate-N and total phosphate. The above water quality parameters will be assessed at mid-water and a meter from the bottom at each of the water quality sampling sites. Current speed and direction will be measured at each sampling event. The results of each monthly monitoring event will be submitted to the U.S. Environmental Protection Agency within 60 working days of sample collection. Specifications in the monitoring program are subject to modification.

NMFS intends to add the following conditions to any issuance of the EFP to ensure that there are no significant impacts on the environment or on our enforcement efforts regarding existing

prohibitions on the taking of these species.

Proposed Conditions

1. Applicant must notify NMFS of any changes to the list of hatcheries to be used.

2. All fingerlings must be certified by the hatchery to be disease-free prior to placement in the cages.

3. Only chemotherapeutants approved by FDA or prescribed by a qualified veterinarian may be used.

4. Use of toxic chemicals as defined in 50 CFR 622.2 to control fouling of nets is prohibited.

5. Immediate notification must be provided to NMFS if any of the following events occur:

a. damage to cages or malfunction of supporting structures;

b. large-scale escapement, i.e., loss of more than 20 percent of a cage population;

c. Major disease outbreak resulting in mortalities exceeding 10 percent; or

d. entanglements of marine mammals or endangered or threatened sea turtles.

6. Quarterly reports are required beginning 90 days after anchoring cages in site on:

a. any disease occurrence;

b. any use of chemotherapeutants approved by FDA or prescribed by a qualified veterinarian;

c. outcome of any events requiring immediate notification (see 5 above);

d. changes in faunal composition of the area around the experimental site;

e. substrate and water quality monitoring;

f. harvests of maricultured fish species.

7. The following samples/records must be maintained a minimum of at least one year after the termination of the EFP and made available for inspection:

a. sources of feed including batch codes;

b. sources of each group of fish stocked including:

1. total number of fish by species;

2. estimated size of fish;

3. date of each introduction/stocking;

4. name, address and phone number of suppliers(s);

5. disease status of supplier's facility including, name, address, and phone number of analytical facilities assessing disease status;

6. samples of frozen specimens of each group of fish including fish harvested from cages, and during any unusual morbidity or mortality events as per USDA standards; and,

7. phase one fry will be satellite DNA documented by FFWCC geneticists at Port of Manatee Hatchery.

8. Fish must be maintained intact through offloading ashore. Fish will be placed in live haul containers located on the harvest vessels, brought to shore, and loaded on live haul trucks for sale to traditional live markets. Any fish over the capacity of the live market will be processed at Double D Seafood in St. Petersburg, FL and sold. Once harvested, the maricultured fish must be reported in accordance with state and Federal reporting requirements. Sale is allowed only to dealers licensed by Florida to sell maricultured fishery products landed in Florida.

9. Not less than 24 hours prior to harvest, provide the following information to the NMFS Law Enforcement Office, Southeast Region, St. Petersburg, FL, (727-570-5344): date, port, and facility at which mariculture product will be landed and name(s) and phone number(s) of licensed dealer(s) receiving the fish.

10. NMFS retains the authority to make periodic inspections of mariculture operations and records. If the applicant becomes a certified Florida aquaculturist, the applicant must notify NMFS Law Enforcement of the annual unique serial number required on all mariculture records, including sales, and the records must be made available for inspection by authorized officers and maintained for the duration of the EFP plus 1 year.

11. NMFS has the authority to suspend or revoke the EFP if: the application is found to contain false, incomplete, or inaccurate information; the applicant fails to comply with its terms and conditions; significant new information becomes available indicating that one of the conditions for denial of the EFP application applies (See 50 CFR 600.745(b)(8)). Revocation will require a General Counsel enforcement action per 600.745(b)(8) and 15 CFR 904 regulations.

12. Issuance of the EFP does not eliminate the need for the applicant to obtain any other Federal, state, or local authorizations required by law.

Based on a preliminary review, NMFS finds that this application warrants further consideration and is considering issuing an EFP. A final decision on issuance of the EFP will depend on a NMFS review of public comments received on the application, conclusions of environmental analyses conducted pursuant to the National Environmental Policy Act, and consultations with Florida, the Gulf of Mexico Fishery Management Council, the U.S. Coast Guard and the Environmental Protection Agency. The applicant requests a 24-month effective period for the EFP.