

To assist the Forest Service in identifying and considering issues and concerns on the proposed action, comments on the draft environmental impact statement should be as specific as possible. It is helpful if comments refer to specific pages or chapters of the draft environmental impact statement. Comments may also address the adequacy of the draft environmental impact statement or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality regulations for implementing the procedural provisions of the National Environment Policy Act in 40 CFR 1503.3 while addressing these points.

The responsible official for the decision is Abigail R. Kimbell, Forest Supervisor of the Stikine Area, Tongass National Forest, Alaska Region, Petersburg, Alaska.

Dated: July 12, 1995.

Abigail R. Kimbell,

Forest Supervisor.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070695C]

Shrimp Fishery of the South Atlantic Region; Intent to Prepare a Supplemental Environmental Impact Statement

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

ACTION: Notice of intent to prepare a supplemental environmental impact statement (SEIS); request for comments.

SUMMARY: NMFS announces the intent of the South Atlantic Fishery Management Council (Council) to prepare an SEIS for proposed Amendment 2 to the Fishery Management Plan for the Shrimp Fishery of the South Atlantic Region (FMP) to address the issue of bycatch in the shrimp trawl fishery. The SEIS will examine the environmental effects of shrimp trawling on the human environment, as well as other fisheries and protected species (endangered or threatened). The FMP was prepared by the Council and approved and implemented by NMFS under provisions of the Magnuson Fishery

Conservation and Management Act (Magnuson Act).

DATES: Written comments on the scope of the SEIS must be submitted by August 25, 1995.

ADDRESSES: Comments and requests for copies of the SEIS should be sent to Robert K. Mahood, Executive Director, South Atlantic Fishery Management Council, One Southpark Circle, Suite 306, Charleston, SC 29407-4699 (FAX: 803-769-4520).

FOR FURTHER INFORMATION CONTACT: Sharon Coste, Public Information Officer, 803-571-4366.

SUPPLEMENTARY INFORMATION: The Council held scoping meetings on bycatch in the shrimp fishery to determine the scope of significant issues to be addressed in the SEIS and associated Amendment 2. The scoping meetings were held in conjunction with the following Council meetings: February 7, 1995, in

St. Augustine, FL, April 11, 1995, in Savannah, GA, and June 20, 1995, in Palm Beach Gardens, FL. Additional scoping meetings were held on May 22, 1995, in Wilmington, NC, and May 23, 1995, in Charleston, SC. Minutes of the scoping meetings are available from the Council office.

The Council prepared the FMP in 1992 and NMFS approved and implemented it in 1993. At the time the Shrimp FMP was implemented, the Council was concerned about bycatch in the shrimp trawl fishery, and intended to begin developing management measures that would reduce bycatch through an FMP amendment.

The Council's goal of bycatch reduction was delayed by the 1990 amendments to the Magnuson Act, which prohibited the Gulf and South Atlantic Councils from implementing regulations for bycatch reduction in the southeast shrimp fisheries. These amendments also mandated that NMFS conduct a 3-year research program to assess the impact on fishery resources of incidental harvest by the shrimp trawl fishery within the authority of the South Atlantic and Gulf of Mexico Fishery Management Councils. The results of this research program have been summarized recently in a NMFS report to Congress—entitled "A Report to Congress—Cooperative Research Program Addressing Finfish Bycatch in the Gulf of Mexico and South Atlantic Shrimp Fisheries—April 1995."

The Council is considering these research results as an important basis for any specific management action. Recent advances in gear development through cooperative efforts between Federal and state governments and the

shrimp industry have produced Bycatch Reduction Devices (BRDs) that successfully exclude fish from shrimp trawls with a minimum of shrimp loss. Both the Council and the South Atlantic States have requested that NMFS proceed as rapidly as possible to obtain the research information needed to identify and assess options for requiring the use of BRDs under the FMP and under coastal fishery management plans (CFMPs) developed by the Atlantic States Marine Fisheries Commission (Commission), pursuant to provisions of the Atlantic Coastal Fisheries Cooperative Management Act of 1993 (Atlantic Coastal Act).

The Council still is concerned about the impacts of shrimp bycatch on the Spanish and king mackerel resources. In addition, under the current amendment to the CFMP for Weakfish, prepared by the Commission under the Atlantic Coastal Act, all South Atlantic states must implement measures to reduce the bycatch of weakfish in the shrimp trawl fisheries by 50 percent for the 1996 fishing season. Bycatch reduction plans must be submitted to the Commission's Weakfish Technical Committee by October 1, 1995.

As a result of the scoping process, the Council has determined that the following principal issues need to be addressed in the SEIS for Amendment 2: Reducing the bycatch of non-target finfish and invertebrates in the shrimp trawl fishery, and coordinating the development of State and Federal measures for reducing bycatch to enhance enforceability.

The Council is considering the following management measures for this amendment: Developing specific bycatch reduction measures for all penaeid shrimp fisheries in the South Atlantic exclusive economic zone (EEZ), including possibly requiring the use of NMFS-approved BRDs in all penaeid shrimp trawls in the South Atlantic EEZ, and reducing the bycatch component of weakfish and Spanish mackerel fishing mortality by 50 percent. The Council may consider seasonal and areal restrictions to reduce bycatch. Also, regarding the bycatch issue, the SEIS would evaluate the effects of taking no management action. The Council is also considering adding brown and pink shrimp to the management unit.

The Council intends to approve draft Amendment 2 to the FMP and the draft SEIS for public hearings at its August 1995 meeting. These documents are expected to be released for public comment in early September. The draft SEIS would be filed with the Environmental Protection Agency for a

45-day public comment period in September 1995.

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

Dated: July 20, 1995.

Richard W. Surdi,

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

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[I.D. 050195E]

Small Takes of Marine Mammals Incidental to Specified Activities; Lockheed Launch Vehicles at Vandenberg Air Force Base, CA

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

ACTION: Notice of issuance of an incidental harassment authorization.

SUMMARY: In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization to take small numbers of harbor seals by harassment incidental to launches of Lockheed's launch vehicles (LLVs) at Space Launch Complex 6 (SLC-6), Vandenberg Air Force Base, CA (VAFB) has been issued.

EFFECTIVE DATE: This authorization is effective from July 18, 1995 until July 18, 1996.

ADDRESSES: The application and authorization are available for review in the following offices: Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southwest Region, NMFS, 501 West Ocean Blvd. Long Beach, CA 90802.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Marine Mammal Division, Office of Protected Resources at 301-713-2055, or Craig Wingert, Southwest Regional Office at 301-980-4021.

SUPPLEMENTARY INFORMATION:

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and regulations are issued.

Permission may be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s); will not have an unmitigable adverse impact on the availability of the

species or stock(s) for subsistence uses; and the permissible methods of taking and requirements pertaining to the monitoring and reporting of such taking are set forth.

On April 30, 1994, the President signed Public Law 103-238, the Marine Mammal Protection Act Amendments of 1994. One part of this law added a new subsection 101(a)(5)(D) to the MMPA to establish an expedited process by which citizens of the United States can receive an authorization, without regulations, to incidentally take small numbers of marine mammals by harassment. New subsection 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days after the comment period, NMFS must either issue, or deny issuance, of the authorization.

On March 13, 1995, NMFS received an application from Lockheed requesting an authorization for the harassment of small numbers of harbor seals (*Phoca vitulina*) incidental to LLV launches at SLC-6, VAFB. These launches would place commercial payloads into low earth orbit using its family of vehicles (LLV-1, LLV-2 and LLV-3). Because of the requirements for circumpolar trajectories of the LLV and its payloads, the use of SLC-6 is the only feasible alternative within the United States. Lockheed intends to launch approximately two LLVs during the period of this proposed 1-year authorization (Air Force, 1995)¹. The noise associated with the launch itself and the resultant sonic boom have the potential to cause a startle response to harbor seals that haul out on the coastline south and southwest of VAFB and possibly on the northern Channel Islands. Launch noise would be expected to occur over the coastal habitats in the vicinity of SLC-6 while low-level sonic booms potentially could be heard on the Channel Islands, specifically San Miguel Island (SMI) and Santa Rosa Island.

A notice of receipt of the application and the proposed authorization was published on May 10, 1995 (60 FR 24840) and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, one comment was received. The Marine Mammal Commission recommended that NMFS (1) determine whether additional

marine mammals should be included in the authorization; (2) justify the conclusion that no harbor seals, including pups, would be killed or seriously injured during launches; and (3) demonstrate that only small numbers of harbor seals or other marine mammals would be taken. These recommendations are discussed in detail below. Other than information necessary to respond to the comments, additional background information on the activity and request can be found in the above-mentioned notice and needs not be repeated here.

1. *Determine whether additional marine mammals should be included in the authorization.* While there are approximately 29 species of cetaceans and 6 species of pinnipeds that have the potential to be under the flight path of the LLV and thereby subject to hearing either launch or sonic boom noise, only harbor seals are expected to haul out along the coast at VAFB and be subject to taking by harassment. Launch noises, which are predicted to be about 93 dBA (118 dB) at the principal haulout at Rocky Point, are expected to be almost unnoticeable offshore. In order to be detectable by a marine mammal, noise needs to be greater than ambient within the same frequency band as the animal's hearing range. With launch noises attenuating to approximately 85 dBA within 2.5 km offshore, and ambient noise level expected to range between 56 and 96 dBA (Lockheed, 1995), there is no scientific evidence that any marine mammals, other than harbor seals onshore at the time of launch, would be subject to harassment by launch noises, although the potential does exist that other marine mammal species may hear the launch noise.

Sonic booms resulting from launches of the LLV vary with the type of vehicle, vehicle trajectory and the specific ground location. Sonic booms are not expected to intersect with the ocean surface until the vehicle changes its launch trajectory. This location will vary depending upon the LLV type, but will be well offshore. For example, the sonic boom from LLV-3 (the largest of the LLV rockets) is not expected to intersect any portion of the northern Channel Islands, but instead will focus approximately 37 miles from the launch site, in open water southwest of the Channel Islands.

The maximum magnitude of sonic booms from launches of the LLV-1 (6.3 lb/ft² (psf)/130.7.6 dB), LLV-2 (3.5 psf/125.6 dB) and the LLV-3 (3.5 psf/125.6 dB), as predicted by Lockheed, will be less than those measured for other launch vehicles, such as the Titan IV and the Space Shuttle (10 psf), for

¹ A list of references used in this document can be obtained by writing to the address provided above (see ADDRESSES).