

Dated: February 15, 1996.

Richard W. Surdi,

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

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[I.D. 081195B]

**Small Takes of Marine Mammals
Incidental to Specified Activities;
McDonnell Douglas Aerospace Delta II
Vehicles at Vandenberg Air Force
Base, CA**

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

ACTION: Notice of modification 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 (IHA), issued to the U.S. Air Force (USAF) on September 19, 1995, to take small numbers of marine mammals by harassment incidental to launches of McDonnell Douglas Aerospace (MDA) Delta II vehicles at Space Launch Complex 2W (SLC-2W), Vandenberg Air Force Base, CA (Vandenberg), has been modified.

EFFECTIVE DATE: The authorization is effective from September 19, 1995, until September 19, 1996.

ADDRESSES: The application, authorization and modification 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, 301-713-2055, or Irma Lagomarsino, 301-980-4016.

SUPPLEMENTARY INFORMATION:

Background

On July 12, 1995, NMFS received an application from the USAF requesting an authorization for the harassment of small numbers of harbor seals and potentially for other pinniped species incidental to launches of Delta II vehicles at SLC-2W, Vandenberg. These launches would place Department of Defense, National Aeronautic and Space Administration (NASA), and commercial, medium-weight payloads into polar or near-polar orbits. MDA/NASA intends to launch four to five

Delta IIs during the period of this proposed 1-year authorization.

Background information and rationale was provided with the notice of receipt of the application and proposed authorization that was published on August 18, 1995 (60 FR 43120) and are not repeated here. A 30-day public comment period was provided on the application and proposed authorization. After review of the comments received on the application, NMFS concluded that the taking will not result in more than the harassment (as defined by the MMPA Amendments of 1994) of a small number of harbor seals, California sea lions, and northern elephant seals, would have only a negligible impact on the species, and would result in the least practicable impact on the stock. Accordingly, NMFS determined that the requirements of section 101(a)(5)(D) of the MMPA had been met and the incidental harassment authorization was issued on September 19, 1995 (60 FR 52653, October 10, 1995).

Summary of Request

Section 6(b) of the IHA requires the USAF to observe harbor seal activity on haulouts in the vicinity of SLC-2W before and after each Delta II launch and to record launch noise levels at nearby harbor seal haulouts. On January 24, 1996, NMFS received a request from the USAF to amend section 6(b) by removing the requirement for recording launch noises at coastal harbor seal haulouts.

The first launch of a Delta II vehicle under the IHA occurred on November 4, 1995. NMFS and the USAF received a preliminary report on noise measurements recorded at various distances from SLC-2W during this launch. These results indicate that launch noise was similar to noise recorded at the same distances during another Delta II launch at the Kennedy Space Center, FL, in July 1992. Furthermore, the USAF indicated that these noise levels correspond closely with a predictive model that was run prior to the launch to calculate launch noise levels at various distances from the launch pad.

Based on this information, it appears that noise levels from launches of Delta II space vehicles are predictable and consistent. The USAF has indicated that the azimuth for subsequent Delta II launches during the authorization period will be similar to the November 4, 1995, launch. The noise level measurements taken during the November 4, 1995, launch therefore appear to be applicable to the remaining Delta II launches during the authorization period.

Because the empirical data support the predictive model, additional acoustic measurements are unnecessary for monitoring the impact of Delta II launches on nearby harbor seal haulouts. Accordingly, on January 31, 1996, NMFS amended section 6(b) of the IHA as follows:

b. Observations on harbor seal activity at harbor seal haulouts in the vicinity of SLC-2 and Purisima Point or in the absence of pinnipeds at that location, at another nearby haulout, must commence at least 72 hours prior to any planned launch and continue for a period of time not less than 48 hours subsequent to launching.

As a result of this modification, the monitoring of noise levels during the remaining launches of Delta II space vehicles from SLC-2W will not be necessary through September 19, 1996. However, the USAF will be required to comply with all of the other conditions of the IHA, including observations of harbor seal activity, as required in the IHA.

Dated: February 15, 1996.

Ann D. Terbush,

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

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Endangered Species; Permits

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

ACTION: Receipt of two applications for scientific research permits (P605 and P606).

SUMMARY: Notice is hereby given that Ms. Pamela A. Petrusso, in collaboration with the U.S. Bureau of Reclamation at Red Bluff, CA (BOR), and the Contra Costa Water District at Concord, CA (CCWD) have applied in due form for permits to take juvenile, endangered, Sacramento River winter-run chinook salmon (*Oncorhynchus tshawytscha*) for the purpose of scientific research.

DATES: Written comments or requests for a public hearing on either of these applications must be received on or before March 25, 1996.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

Office of Protected Resources, F/PR8, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401); and