

Notices

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This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042797C]

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 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 July 17, 1996, to take small numbers of marine mammals by harassment incidental to launches of Lockheed-Martin launch vehicles (LMLVs) at Space Launch Complex 6 (SLC-6), Vandenberg Air Force Base, CA (Vandenberg), has been modified.

EFFECTIVE DATE: The authorization is effective from May 1, 1997 until July 17, 1997.

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.

SUPPLEMENTARY INFORMATION:

Background

On April 1, 1996, NMFS received an application from the USAF, Vandenberg, requesting continuation of

an authorization for the harassment of small numbers of harbor seals incidental to launches of LMLVs at SLC-6, Vandenberg. These launches would place commercial payloads into low earth orbit. Because of the requirements for circumpolar trajectories of the LMLV and its payloads, the use of SLC-6 is the only feasible alternative for LMLV launches within the United States. As a result of the noise associated with the launch itself and the resultant sonic boom, these noises have the potential to cause a startle response to those harbor seals which haul out on the coastline south and southwest of Vandenberg.

Background information and rationale was provided with the notice of receipt of the application and proposed authorization that was published on May 2, 1996 (61 FR 19609), 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, 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 July 17, 1996 (61 FR 384437, July 24, 1996).

Summary of Request

Condition 7(b) of the IHA requires the USAF to observe harbor seal activity on haul-outs in the vicinity of SLC-6 before and after each LMLV launch and to monitor this activity using either still photography or video when biological observations cannot be made. On March 12, 1997, NMFS received a request from the USAF requesting an amendment to condition 7(b) by waiving nighttime video monitoring of the launch of an LMLV scheduled from Vandenberg during nighttime in May 1997.

Because the upcoming launch of the LMLV at SLC-6 is a nighttime launch, when harbor seals are not expected to be hauled out in any numbers, and, because video monitoring at night is not effective, a waiver of condition 7(b) and a modification of the IHA is appropriate.

Accordingly, NMFS amended Condition 7(b) of the IHA on the date

indicated above (see **EFFECTIVE DATES**) as follows:

“b. Biological observations on harbor seal activity, must commence at least 48 hours prior to the planned launch and continue for a period of time not less than 48 hours subsequent to launching, and must be supplemented by video recording of mother-pup seal responses for daylight launches during the pupping season; and”

It should be noted however, that the USAF is required to comply with all of the other conditions of the IHA, including observations of harbor seal activity, as required in the IHA. In addition, should the launch be delayed until daylight, video monitoring would be required, since the planned launch will take place during the harbor seal pupping season.

Dated: April 30, 1997.

Hilda Diaz-Soltero,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

I.D. 022497A

Fisheries Bycatch Plan

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

ACTION: Notice of availability; extension of comment period.

SUMMARY: NMFS announces the extension of the public comment period on the draft NMFS bycatch plan, *Managing the Nation's Bycatch: Priorities, Programs and Actions for the National Marine Fisheries Service*. The NMFS bycatch plan will guide the agency's bycatch-related research and management for the next decade. The public comment period is hereby extended to June 30, 1997, to give members of the public additional time to review and comment on the draft plan. Any written comments received will be considered by NMFS in the adoption and implementation of the final bycatch plan.

DATES: Written comments will be accepted on or before June 30, 1997.