

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 011999A]

Small Takes of Marine Mammals Incidental to Specified Activities; La Jolla Children's Pool Beach Management and Water Quality Project

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

ACTION: Notice of withdrawal of a request for a small take exemption authorization.

SUMMARY: On April 8, 1999, NMFS was notified by the City of San Diego's Park and Recreation Department that it was withdrawing its request for an authorization under the Marine Mammal Protection Act (MMPA) to take small numbers of Pacific harbor seals by harassment incidental to excavating and removing beach sand at the La Jolla Children's Pool, La Jolla, CA.

ADDRESSES: A copy of the application and/or the letter of withdrawal may be obtained by writing to Donna Wieting, Acting Chief, Marine Mammal Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225 or by telephoning one of the contacts listed in **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Kenneth Hollingshead, Office of Protected Resources at 301-713-2055, or Joe Cordaro, Southwest Regional Office at 562-980-4017.

SUPPLEMENTARY INFORMATION: On December 28, 1998, NMFS received a request from the City of San Diego for authorization under section 101(a)(5)(D) of the MMPA (16 U.S.C. 1371(a)(5)(D)) to take small numbers of Pacific harbor seals (*Phoca vitulina*) and possibly 1 to 2 California sea lions (*Zalophus californianus*) and northern elephant seals (*Mirounga angustirostris*) by harassment incidental to excavating and removing 3,000 yd³ (2,295 m³) of beach sand at the La Jolla Children's Pool. The La Jolla Children's Pool was constructed in 1931 to provide a sheltered swimming area for children in La Jolla. Over time, the beach behind the breakwater has gradually widened as sand has accumulated in the sheltered pool. By 1998, the shoreline had advanced to near the end of the breakwater, at the mouth of the pool, leaving very little area for recreational

swimming. The lack of a protected swimming area and the proximity to dangerous rip current conditions near the breakwater opening have created significant safety concerns.

In addition to the restricted use and associated dangers due to sand accretion, recreational use has been further compromised by a population of harbor seals that regularly use the Children's Pool area as a haul-out area. Seal feces from the concentrated harbor seal population have resulted in fecal coliform bacteria counts that significantly exceed State water quality standards for bathing beaches and body contact areas. DNA testing has confirmed the harbor seal population as the source of the bacterial contamination. As a result, the Children's Pool has been determined unsafe for human contact and has been closed to the public for all water contact since September 4, 1997. Moreover, the presence of the large seal population attracts large numbers of non-bathing observers to the beach area. This interaction has raised additional safety concerns for both humans and the seals.

The La Jolla Children's Pool Beach Management and Water Quality Project proposed to restore a safe swimming area and acceptable water quality to the pool by reducing the beach width. Out of 4,200 yd³ (3,213 m³) of sand in the pool area, approximately 3,000 yd³ (2,295 m³) was to have been excavated and removed to narrow the beach. The City of San Diego expected that, by excavating and enlarging the area available for recreational swimming, it would provide a safe region for the public away from the dangerous rip currents, and, by reducing the area available for harbor seals, water quality levels are expected to return to former levels that were acceptable and safe for human contact.

A notice of receipt of the application and proposed incidental harassment authorization issued under the MMPA was published on February 22, 1999 (64 FR 8548), and a 30-day public comment period was provided on the application and proposed authorization. Several comments were received during the comment period.

Subsequent to the close of the comment period, on April 8, 1999, NMFS was notified by the Park and Recreation Department that it was withdrawing its request for an authorization under section 101(a)(5)(D) of the MMPA to take small numbers of Pacific harbor seals by harassment incidental to excavating and removing beach sand at the La Jolla Children's Pool, La Jolla, CA. The letter noted that the City will be evaluating alternatives

to sand removal in order to reduce the level of fecal contamination in the pool waters and may submit a renewed application in the future.

Dated: April 22, 1999.

Hilda Diaz-Soltero,

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

[FR Doc. 99-10641 Filed 4-27-99; 8:45 am]

BILLING CODE 3510-22-F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042199G]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold a series of fact-finding meetings in Puerto Rico and the U.S. Virgin Islands.

DATES: See **SUPPLEMENTARY INFORMATION** for specific dates.

ADDRESSES: See **SUPPLEMENTARY INFORMATION** for specific locations.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Munoz Rivera Avenue, Suite 1108, San Juan, PR 00918-2577, telephone: (787) 766-5926.

SUPPLEMENTARY INFORMATION:

Tuesday May 11, 1999 -- 7:00 p.m. to 10:00 p.m.

Location: Conference Room, Legislature Building, Charlotte Amalie, St. Thomas, U.S.V.I.

Wednesday, May 12, 1999 -- 7:00 p.m. to 10:00 p.m.

Location: Conference Room, Legislature Building, St. John, U.S.V.I.

Thursday, May 13, 1999 -- 7:00 p.m. to 10:00 p.m.

Location: Conference Room, Caravelle Hotel, 44A Queen Cross Street, Christiansted, St. Croix, U.S.V.I.

Monday, May 17, 1999 -- 7:00 p.m. to 10:00 p.m.

Location: Refugio Las Marias, Vieques, PR

Tuesday, May 18, 1999 -- 1:00 p.m. to 4:00 p.m.

Location: El Meson Criollo, Carr. 987, Km. 3.2, Fajardo, PR

Tuesday May 18, 1999 -- 7:00 p.m. to 10:00 p.m.

Location: Conference Room, Casa Alcaldia of Naguabo, Naguabo, PR

Wednesday, May 19, 1999 -- 7:00 p.m. to 10:00 p.m.