

are available on-line from the NMFS website: <http://www.nmfs.noaa.gov/pr/>.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: February 1, 2008.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E8-2278 Filed 2-6-08; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF47**

#### Endangered Species; File No. 1595

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

**ACTION:** Notice; receipt of application for modification

**SUMMARY:** Notice is hereby given that Mr. Michael M. Hastings, University of Maine, 5717 Corbett Hall, Orono, Maine 04469, has requested a modification to scientific research Permit No. 1595-01.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before March 10, 2008.

**ADDRESSES:** The modification request and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394.

Written comments or requests for a public hearing on this request should be submitted to the Chief, Permits, Conservation and Education Division, F/PR1, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910. Those individuals requesting a hearing should set forth the specific reasons why a hearing on this particular modification request would be appropriate.

Comments may also be submitted by facsimile at (301)427-2521, provided the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Comments may also be submitted by e-mail. The mailbox address for providing e-mail comments is

[NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include in the subject line of the e-mail comment the following document identifier: File No. 1595.

#### FOR FURTHER INFORMATION CONTACT:

Brandy Belmas or Malcolm Mohead, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject modification to Permit No. 1595-01, issued on May 1, 2007 (72 FR 19469) is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 1595-01 authorizes the permit holder to: capture, anesthetize, measure, weigh, sex (borescope), Carlin and PIT tag, recover and release up to 70 sub-adult and adult shortnose sturgeon annually. Up to 30 sub-adult and adult shortnose sturgeon, annually, would be fitted (or implanted) with an external (or internal) transmitter, in addition to the previously mentioned procedures. This permit also authorizes the annual lethal take of up to 50 shortnose sturgeon eggs, up to 30 of which may be transported to the lab for genetic sampling. Up to 2 incidental mortalities of shortnose sturgeon each year is also currently authorized.

The permit holder is now requesting authorization to: (1) increase the total annual take of shortnose sturgeon from 100 fish to 200 fish; (2) expand netting efforts to include currently restricted areas (i.e., within 0.5 miles of the confluence of the Penobscot River with Cove Brook, and the Kenduskeag River); (3) add D-net sampling as a method of sturgeon egg collection; (4) add non-lethal blood sampling as a procedure (which would be conducted on up to 30 fish of which the capture and handling is already authorized); and (5) add and remove personnel authorized to conduct research activities. The purpose of the proposed modification is to better assess the distribution, movements, abundance and spawning of shortnose sturgeon in the Penobscot River, Maine. This modification would be valid through the expiration date of the original permit, March 31, 2012.

Dated: February 1, 2008.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E8-2277 Filed 2-6-08; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XE83**

#### Incidental Take of Marine Mammals; Taking of Marine Mammals Incidental to Missile Launch Operations from San Nicolas Island, CA

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

**ACTION:** Notice of issuance of a letter of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that a letter of authorization (LOA) to take three species of marine mammals incidental to missile launch operations from San Nicolas Island, CA (SNI) has been issued to the Naval Air Warfare Center Weapons Division (NAWC-WD), Point Mugu, CA.

**DATES:** This authorization is effective from February 3, 2008, through October 2, 2008.

**ADDRESSES:** The application, LOA, and Navy monitoring report are available for review in the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 or by contacting one of the individuals mentioned below (See **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Ken Hollingshead, NMFS, (301) 713-2289 ext. 172.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on request, the incidental, but not intentional, taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing), if certain findings are made by NMFS and regulations are issued. Under the MMPA, the term "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Authorization may be granted for periods up to five years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means of

effecting the least practicable adverse impact on the species and its habitat and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations also must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking incidental to target missile operations on San Nicolas Island, CA, were published on September 2, 2003 (68 FR 52132), and remain in effect until October 2, 2008.

Pursuant to these regulations, NMFS has issued an LOA to the NAWC-WD. Issuance of the LOA is based on a finding made in the preamble to the final rule that the total takings by this project (with the mitigation) will have no more than a negligible impact on the affected species or stocks of marine mammals and will not have an unmitigable adverse impact on the availability of such species or stock for taking for relevant subsistence uses. NMFS also finds that the applicant will meet the requirements contained in the implementing regulations and LOA, including monitoring and reporting requirements.

According to the draft technical report, the NAWC-WD performed a total of three missile launches between February and November 2007. A dual launch of Rolling Airframe Missiles (RAM) occurred on 26 April, 2007; and single GQM-163A Supersonic Sea-Skimming Target (SSST) were launched on June 12 and 13, 2007. California sea lions were observed during all three launches on all three launch dates. Northern elephant seals were observed during all three launches on the three dates. Pacific harbor seals were not observed during launches on any launch dates. Based on monitoring efforts between February and November 2007, the NAWC-WD estimates that approximately 567 sea lions, 40 harbor seals, and no elephant seals were affected by launch sounds. There was no evidence of injury or mortality during or immediately succeeding the launches for any pinniped species. NMFS finds that the level of taking under the 2008 LOA will be consistent with the findings made in the final rule for this action.

Dated: February 1, 2008.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. E8-2282 Filed 2-6-08; 8:45 am]

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF45**

**Marine Mammals; File No. 42-1908**

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that Mystic Aquarium, 55 Coogan Boulevard, Mystic, CT 06355 (Dr. Lisa Mazzaro, Principal Investigator) has been issued a permit to conduct research and enhancement on Steller sea lions (*Eumetopias jubatus*) being held in captivity and to import and export parts from all cetaceans and pinniped species (excluding walrus) for purposes of scientific research.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following office(s):

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9300; fax (978)281-9394.

**FOR FURTHER INFORMATION CONTACT:**

Jennifer Skidmore or Amy Sloan, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On June 8, 2007, notice was published in the **Federal Register** (72 FR 31811) that a request for a scientific research permit to take the species identified above had been submitted by the above-named organization. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226), and the Fur Seal Act of 1966, as amended (16 U.S.C. 1151 *et seq.*).

Mystic Aquarium has been issued a permit to continue activities authorized under Permit No. 42-1642-03 for the following two projects: Project 1: Research and display of captive Steller sea lions including authorization (1) to import or receive a second intact adult

male Steller sea lion and subsequently return this animal to its facility of origin, if necessary; and (2) to import up to nine female Steller sea lions from the Vancouver Aquarium, and to receive a "non-releasable" one year old male Steller sea lion from The Marine Mammal Center in Sausalito, California. At any one time the maximum number of adult male SSL maintained at Mystic Aquarium will be two and the number of females and pups will not exceed nine.

Project 2: Receipt, import and export of tissues from a maximum of 10,000 animals, up to 30 samples per animal per year (i.e., 5000 pinniped and 5000 cetaceans) under NMFS jurisdiction in the U.S. and abroad (i.e. worldwide). Samples will be analyzed for purposes of research on marine mammal health (e.g., nutrition, disease, immune function, environmental stressors).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, as required by the ESA, was based on a finding that such permit: (1) was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 1, 2008.

**P. Michael Payne,**

*Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**RIN 0648-XF50**

**Western Pacific Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice advises the public that the Western Pacific Fishery Management Council (Council) will hold a public meeting in Pago Pago, American Samoa to discuss potential