

of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

Application Received

Permit 1410 – Renewal

The Northwest Fisheries Science Center (NWFSC) is seeking to renew permit 1410 for a period of five years. The original permit was in place for five years with three modifications; it expired on December 31, 2008. Under the new permit, the NWFSC would conduct research that would annually take adult and juvenile UCR Chinook, SR spr/sum Chinook, SR fall Chinook, LCR Chinook, UWR Chinook, SR sockeye, CR chum, LCR coho, OC coho, SONCC coho, UCR steelhead, SR steelhead, MCR steelhead, LCR steelhead, and UWR steelhead in the Columbia River plume and surrounding ocean environment. The purpose of the research is to: (a) determine the abundance, distribution, growth and condition of juvenile Columbia River salmonids in the plume and nearby ocean environment and characterize the area's physical and biological features as they relate to salmonid survival; (b) determine the impact that predators and food supply have on survival among juvenile Columbia River Chinook and coho salmon as they migrate through the Columbia River estuary and plume; and (c) synthesize the early ocean ecology of juvenile Columbia River salmonids, test mechanisms that control salmonid growth and survival, and produce ecological indices that forecast salmonid survival.

Ultimately the NWFSC would use simulation models and statistical analyses of climatic, oceanic, and other biological data and indices to help inform management decisions regarding the Columbia river and its salmonid populations. The research would benefit listed species by providing data that would help managers understand the linkages between salmonid abundance, distribution, growth, genetics, and health, and the effects of disease, parasites, diet, and predation in the estuarine and ocean environment. Ultimately, the data would help researchers and managers quantify the

effects of habitat restoration efforts and improve harvest and hatchery guidelines. In any case, the research would provide important information on salmonid life histories in the study area. The NWFSC proposes to capture the fish (using surface trawling), identify, sample, and release adult fish. The juvenile fish would be sacrificed to map disease presence and determine the effects that diet, parasites, genetics, etc. have on fish condition.

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments submitted to determine whether the application meets the requirements of section 10(a) of the ESA and Federal regulations. The final permit decision will not be made until after the end of the 30-day comment period. NMFS will publish notice of its final action in the **Federal Register**.

Dated: February 3, 2009.

Angela Somma,

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

[FR Doc. E9-2659 Filed 2-6-09; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XN13

Marine Mammals; File No. 1039-1699

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

ACTION: Notice; receipt of application for amendment.

SUMMARY: Notice is hereby given that Ann Zoidis, Cetos Research Organization, 11 Des Isle Avenue, Bar Harbor, Maine 04609, has applied for an amendment to Scientific Research Permit No. 1039-1699-01.

DATES: Written, telefaxed, or e-mail comments must be received on or before March 11, 2009.

ADDRESSES: The application and related documents are available 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 Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm 1110, Honolulu, HI

96814-4700; phone (808)944-2200; fax (808)973-2941.

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 amendment 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. Include in the subject line of the e-mail comment the following document identifier: File No. 1039-1699.

FOR FURTHER INFORMATION CONTACT:

Carrie Hubard or Kristy Beard, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject amendment to Permit No. 1039-1699, issued on June 30, 2004, is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 1039-1699-01 authorizes the permit holder to conduct humpback whale (*Megaptera novaeangliae*) research, including photo-identification, behavioral observations, and passive acoustics in the waters off Hawaii. Several species of non-listed, small whales and dolphins may also be studied. The permit holder is requesting an amendment to take up to 100 minke whales (*Balaenoptera acutorostrata*) in the waters off Hawaii annually. Minke whales would be approached for photo-identification. The purpose of the new research is to investigate the abundance, distribution, and behavior of this species, which has not been thoroughly studied in Hawaii. The amended permit would expire on June 30, 2009.

Concurrent with the publication of this notice in the Federal Register, NMFS is forwarding copies of this application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: February 4, 2009.

P. Michael Payne,

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

[FR Doc. E9-2662 Filed 2-6-09; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XM65

Incidental Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Southwest Pacific Ocean, January — February, 2009

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

ACTION: Notice; issuance of incidental take authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Lamont-Doherty Earth Observatory (L-DEO), a part of Columbia University, to take small numbers of marine mammals, by Level B harassment only, incidental to conducting a marine seismic survey in the southwest Pacific Ocean.

DATES: Effective January 14, 2009, through February 21, 2009.

ADDRESSES: A copy of the IHA and the application are available by writing to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225 or by telephoning the contact listed here. A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, Office of Protected Resources, NMFS, (301) 713-2289.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of marine mammals by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental taking shall 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 (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. NMFS has defined “negligible impact” in 50 CFR 216.103 as “...an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as:

any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering [Level B harassment].

Section 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 authorization for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either approve or deny the authorization.

Summary of Request

On August 18, 2008, NMFS received an application from L-DEO for the taking by Level B harassment only, of

small numbers of 29 species of marine mammals incidental to conducting, with research funding from the National Science Foundation (NSF), a marine seismic survey within the Exclusive Economic Zone (EEZ) of Tonga in the southwest Pacific Ocean during January through February 2009. NMFS outlined the purpose of the research program in a previous notice for the proposed IHA (73 FR 71606, November 25, 2008).

Description of the Activity

The planned survey will involve one source vessel, the R/V *Marcus G. Langseth* (*Langseth*), a seismic vessel owned by the NSF. NSF expects the *Langseth* to depart Nuku’alofa, Tonga on January 14, 2009 for a one-day transit to the study area in the Lau Basin in the southwest Pacific Ocean (between 19–21° S. and 175–176° W.).

To obtain high-resolution three-dimensional (3D) structures of the Lau Basin’s magmatic systems and thermal structures, the *Langseth* will deploy a towed array of 36 airguns with a total discharge volume of approximately 6,600 cubic inches (in³). The array configuration consists of four identical linear arrays or strings, with 10 airguns on each string. L-DEO will distribute the four airgun strings across an approximate area of 24 x 16 meters (m) (79 x 52 feet (ft)) behind the *Langseth* which will tow the array approximately 50–100 m (164–328 ft) behind the vessel at a tow-depth of 9–12 m (29.5–39.4 ft). The airgun array will fire for a brief (0.1 second (s)) pulse every 180 s. The array will remain silent at all other times.

The *Langseth* will also deploy 55 to 64 Ocean Bottom Seismometers (OBS) for the survey. As the airgun array is towed along the survey lines, the OBS will receive the returning acoustic signals and record them internally for later analysis. In addition to the operations of the airgun array, the *Langseth* will operate a multibeam echosounder (MBES) and a sub-bottom profiler (SBP) continuously throughout the Eastern Lau Spreading Center cruise.

The survey area is approximately 42 kilometers (km) (26 miles (mi)) offshore from Tonga in water depths ranging from 1000 – 2600 m (3280 — 9186 ft). The seismic survey effort (e.g., equipment testing, startup, line changes, repeat coverage of any areas, and equipment recovery) will require approximately 19 days to complete 42 transects of variable lengths, totaling 3650 km (2268 mi) and will include approximately 456 hours of airgun operation. Please see L-DEO’s application for more detailed information. The exact dates of the activities will depend on logistics,