

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648–XD180

**Marine Mammals; File No. 18534**

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

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

**SUMMARY:** Notice is hereby given that a permit has been issued to the Alaska SeaLife Center (Responsible Party, Tara Reimer, Ph.D.) 301 Railway Avenue, P.O. Box 1329, Seward, AK 99664 to conduct research on captive Steller sea lions (*Eumetopias jubatus*).

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

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427–8401; fax (301)713–0376.

**FOR FURTHER INFORMATION CONTACT:** Amy Sloan or Jennifer Skidmore, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:** On March 27, 2014, notice was published in the **Federal Register** (79 FR 17135) that a request for a permit to conduct research on captive Steller sea lions had been submitted by the above-named applicant. 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.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 18534–00 authorizes the Alaska SeaLife Center to conduct studies on captive Steller sea lions from the Eastern Distinct Population Segment to (1) investigate reproductive physiology and survival, growth, and physiology of captive-bred offspring; and (2) deploy instruments to develop and validate methods for monitoring wild Steller sea lions. Research on up to 18 captive sea lions may include: Anesthesia and sedation; administration of Evan's blue dye and deuterium oxide; biological sampling; dietary supplements; mass and morphometric measurements; ultrasound and radiographs; video and audio recordings; and attachment and proximity to instrumentation. Steller sea lions may be transported to and from approved facilities. The permit authorizes four research-related

mortalities over the course of the permit. No research will occur on wild populations. The permit expires May 31, 2019.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: June 17, 2014.

**Tammy C. Adams,**

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

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**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648–XC784

**Takes of Marine Mammals Incidental to Specified Activities; Rockaway Delivery Lateral Project Off New York, June 2014 Through October 2014**

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

**ACTION:** Notice; issuance of an Incidental Harassment Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Transcontinental Gas Pipe Line Company, LLC (Transco) to take marine mammals, by harassment, incidental to expanding a natural gas pipeline system off the coast of New York.

**DATES:** Effective June 1, 2014, through October 31, 2014.

**ADDRESSES:** An electronic copy of the application, authorization, and associated documents may be obtained by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, National Marine Fisheries Service, Office of Protected Resources, (301) 427–8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce

to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if, after notice of a proposed authorization to the public for review and public comment: (1) We make certain findings; and (2) the taking is limited to harassment.

NMFS shall grant authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The authorization must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (i.e., mitigation); and requirements pertaining to the monitoring and reporting of such taking. NMFS have 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.”

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].

**Summary of Request**

On March 21, 2013, NMFS received an application from Transco for the taking of marine mammals incidental to the Rockaway delivery lateral project (Project) off the coast of New York over a 1-year period beginning in April 2014. We received a revised application from Transco on May 13, 2013, which reflected updates to the proposed mitigation measures, proposed monitoring measures, and incidental take requests for marine mammals. Further revisions were made to the request in October 2013 due to a change in the project schedule and the application was considered complete and adequate on November 9, 2013. On April 14, Transco amended their take