

of the proposed project area; description of the animal's observed behaviors, and the activities occurring at the time. A final report must be submitted to the Regional Administrator and Chief of the Permits, Conservation, and Education Division within 30 days after receiving comments from NMFS on the draft final report. If no comments are received from NMFS, the draft final report will be considered to be the final report.

ESA

For the reasons already described in this **Federal Register** Notice, NMFS has determined that the described proposed on-ice seismic activities and the accompanying IHA are not anticipated to have the potential to adversely affect species under NMFS jurisdiction and protected by the ESA. Since ESA-listed species are not expected to be adversely affected by the proposed activities and the issuance of an IHA by NMFS under section 101(a)(5)(D) of the MMPA to Veritas, NMFS has determined that a section 7 consultation is not necessary. The ringed seal, which is the only species of marine mammal under NMFS jurisdiction likely to occur in the proposed action area, is a candidate species for consideration for listing under the ESA and a status review has been initiated.

National Environmental Policy Act (NEPA)

The information provided in the Final Programmatic Environmental Assessment (EA) on the Arctic Ocean Outer Continental Shelf Seismic Surveys 2006 prepared by the Minerals Management Service (MMS) in June 2006 led NMFS to conclude that implementation of either the preferred alternative or other alternatives identified in the Environmental Assessment (EA) would not have a significant impact on the human environment. Therefore, an Environmental Impact Statement was not prepared. The proposed action discussed in this document is different from the previous actions and new NEPA documentation will be prepared by NMFS for the proposed action. A copy of the EA will be available upon request (see **ADDRESSES**).

Preliminary Determinations

Based on Veritas' application, as well as the analysis contained herein, NMFS has preliminarily determined that the impact of the described on-ice seismic operations will result, at most, in a temporary modification in behavior by small numbers of ringed seals. The effect of the proposed on-ice seismic surveys is expected to be limited to

short-term and localized behavioral changes.

Due to the infrequency, short time-frame, and localized nature of these activities, the number of marine mammals, relative to the population size, potentially taken by harassment is small. In addition, no take by injury or death is anticipated, and take by Level B harassment will be at the lowest level practicable due to incorporation of the proposed monitoring and mitigation measures mentioned previously in this document. NMFS has further preliminarily determined that the anticipated takes will have a negligible impact on the affected species or stock of marine mammals. No injury (Level A harassment), serious injury, and/or mortality will be authorized for marine mammals. Also, the potential effects of the proposed on-ice seismic survey project during 2009 will not have an unmitigable adverse impact on subsistence uses of this species due to the Plan of Cooperation and mitigation and monitoring measures.

Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Veritas for the harassment of small numbers (based on populations of the species and stock) of ringed seals incidental to conducting on-ice seismic surveys in the U.S. Beaufort Sea, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated.

Information Solicited

NMFS requests interested persons to submit comments and information concerning this proposed project and NMFS' preliminary determination of issuing an IHA (see **ADDRESSES**). 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: December 15, 2007.

James H. Lecky,

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

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BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XM26

Marine Mammals; File No. 14186

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that Sea World Inc., 9205 South Park Center Loop, Suite 400, Orlando, FL 32819 [Brad Andrews, Responsible Party], has applied in due form for a permit take two non-releasable Guadalupe fur seals (*Arctocephalus townsendi*) with the option of holding up to six non-releasable fur seals at any given time for purposes of enhancement.

DATES: Written, telefaxed, or e-mail comments must be received on or before January 20, 2009.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the Features box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov/index.cfm>, and then selecting File No. 14186 from the list of available applications.

These documents are also 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 Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits, Conservation and Education Division, 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 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. 14186.

FOR FURTHER INFORMATION CONTACT: Jennifer Skidmore or Amy Sloan, (301)713-2289.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended

(MMPA; 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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

The applicant requests authorization to permanently maintain two non-releasable Guadalupe fur seals at Sea World of California (and other Sea World facilities if relocation is necessary) for enhancement purposes. These animals were taken into captivity by the Marine Mammal Health and Stranding Network and were deemed nonreleasable. Thus, release of either of these animals would not be in the best interest of their individual welfare and that of the wild population. Furthermore, the applicant has agreed to provide additional space for future non-releasable Guadalupe fur seals should placement be necessary (up to 6 total animals). These animals would be provided with daily husbandry care and treatment for current medical conditions, routine veterinary care, and would be made available for opportunistic research. The applicant has requested a five-year permit.

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: December 12, 2008.

P. Michael Payne,

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

[FR Doc. E8–30243 Filed 12–18–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XM25

Marine Mammals

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

ACTION: Notice of Availability.

SUMMARY: NMFS has developed a policy and guidance document for implementation of the Steller sea lion (*Eumetopias jubatus*) and northern fur seal (*Callorhinus ursinus*) research permits and grants programs. This document establishes policy for

implementation of the preferred alternative and recommendations in Chapter 5 of the 2007 Final Programmatic Environmental Impact Statement (EIS) for Steller Sea Lion and Northern Fur Seal Research.

DATES: Written, telefaxed, or e-mail comments must be received on or before January 20, 2009.

ADDRESSES: The document is available for review on the EIS project webpage at <http://www.nmfs.noaa.gov/pr/permits/eis/steller.htm>. To receive a hard copy, contact:

Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910–3226; phone (301)713–2289.

Written comments should be mailed to: P. Michael Payne, Chief, at the address above. Comments may also be submitted by facsimile at 301–427–2583 or email at ssleis.comments@noaa.gov. For email comments, use “SSL EIS policy document” in the subject line.

FOR FURTHER INFORMATION CONTACT:

Tammy Adams or Kate Swails, (301)713–2289.

SUPPLEMENTARY INFORMATION: In 2007 NMFS completed the programmatic EIS and issued a Record of Decision (ROD) which identified the preferred alternative. NMFS limited implementation of the preferred alternative by limiting duration of research permits to span three summer field seasons, through July 2008. Full implementation of the preferred alternative is being phased in, upon completion of action items in the ROD and Chapter 5 of the EIS. The policy and guidance document is one item. Additional information about the EIS, ROD, and research permits issued in 2007 is available on the EIS project webpage (See **ADDRESSES**).

Dated: December 15, 2008.

P. Michael Payne,

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

[FR Doc. E8–30239 Filed 12–18–08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XM07

Taking and Importing Marine Mammals; Undersea Warfare Training Range Activities

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

ACTION: Notice; receipt of application for letter of authorization; request for comments and information.

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for authorization for the take of marine mammals incidental to Navy training activities conducted in the Undersea Warfare Training Range (USWTR) off the east coast of the United States. Pursuant to the implementing regulations of the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

DATES: Comments and information must be received no later than January 20, 2009.

ADDRESSES: Comments on the application should be addressed to 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. The mailbox address for providing email comments is PR1.0648-XM07@noaa.gov. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

FOR FURTHER INFORMATION CONTACT: Jolie Harrison, Office of Protected Resources, NMFS, (301) 713–2289, ext. 166.

SUPPLEMENTARY INFORMATION:

Availability

A copy of the Navy's application may be obtained by writing to the address specified above (See **ADDRESSES**), telephoning the contact listed above (see **FOR FURTHER INFORMATION CONTACT**), or visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. On September 12, 2008, the Navy made available to the public,