

completed, the Council will proceed with the development of Amendment 16 and the Council will prepare an SEIS to analyze the impacts of the range of alternatives considered in the amendment.

To ensure that the fishery continues to meet the Amendment 13 rebuilding objectives, any revisions to management measures included in Amendment 16 need to be implemented by May 1, 2009. In order to incorporate the latest catch and survey data into the proposed adjustment, the assessment of groundfish stocks scheduled for 2008 (the Groundfish Assessment and Review Meeting, or GARM) cannot be conducted until August 2008. Therefore, because of the lengthy process involved with evaluating the impacts of any changes to the FMP, the Council and NMFS propose to start the environmental review process as early as possible. As such, it will be necessary to develop and publish a draft SEIS for Amendment 16 using the best available data prior to the August 2008 GARM. The intent is to fully evaluate an adequate range of alternatives in the draft SEIS to project the full range of likely impacts resulting from any proposed adjustments to management measures. The Council will then hold public hearings to receive comments on the draft amendment and on the analysis of its impacts presented in the draft SEIS. Once the GARM has evaluated the status of groundfish stocks in August 2008, that information will be incorporated into the final SEIS to further refine the precision of the impact analysis presented in the draft SEIS.

### Scoping Hearing Schedule

The Council will discuss and take scoping comments at the following public meetings:

1. Monday, November 27, 2006, from 5 – 8 p.m.; Holiday Inn, US Route 1&3, Ellsworth, ME 04605; telephone: (207) 667-9341.

2. Tuesday, November 28, 2006, from 5 – 8 p.m.; Eastland Park Hotel, 157 High Street, Portland, ME 04101; telephone: (207) 775-5411.

3. Wednesday, November 29, 2006, from 5 – 8 p.m.; Urban Forestry Center, 45 Elwyn Road, Portsmouth, NH; telephone: (603) 431-6774.

4. Thursday, November 30, 2006, from 5 – 8 p.m.; Massachusetts Department of Marine Fisheries Annisquam River Station, 30 Emerson Avenue, Gloucester, MA 01950; (978) 282-0308.

5. Tuesday, December 5, 2006, from 5 – 8 p.m.; Best Western East End, 1830 Route 25, Riverhead, NY 11901; telephone: (631) 369-2200.

6. Wednesday, December 6, 2006, from 5 – 8 p.m.; Holiday Inn South Kingstown, 3009 Tower Hill Road, So. Kingstown, RI 02674; telephone: (401) 789-1051.

7. Thursday, December 7, 2006, from 5 – 8 p.m.; Holiday Inn Express, 110 Middle Street, Fairhaven, MA 02719; telephone: (508) 997-1281.

8. Wednesday, December 12, 2006, from 7 – 9 p.m.; Skyline Hotel, 725 10th Avenue, New York, NY 10019; telephone: (212) 586-3400.

### Special Accommodations

These meetings are accessible to people with physical disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see ADDRESSES) at least 5 days prior to the meeting date.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: October 30, 2006.

**James P. Burgess,**

*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 103006C]

#### Marine Mammals; File No. 373-1868

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

**ACTION:** Notice; receipt of application for permit.

**SUMMARY:** Notice is hereby given that the Point Reyes Bird Observatory (PRBO) Conservation Science (Dr. William J. Sydeman, Responsible Party), 3820 Cypress Drive, # 11 Petaluma, CA 94954 has applied in due form for a permit for scientific research on pinnipeds in California.

**DATES:** Written, telefaxed, or e-mail comments on the new applications, amendment requests must be received on or before December 6, 2006.

**ADDRESSES:** The applications 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 Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach,

CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018.

Written comments or requests for a public hearing on these applications should be mailed 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 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 relevant document identifier: File No. 373-1868.

#### FOR FURTHER INFORMATION CONTACT:

Amy Sloan or Dr. Tammy Adams, (301) 713-2289.

**SUPPLEMENTARY INFORMATION:** The subject permit 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).

The PRBO proposes to study and monitor population trends, health, and ecology of pinnipeds in California, specifically at the Farallon Islands, Point Reyes Peninsula, Ano Nuevo Island, San Francisco Bay, and in Sonoma County near the Russian River. Harbor seals (*Phoca vitulina richardii*) and northern elephant seals (*Mirovunga angustirostris*) are the primary species of study; researchers will also remotely survey California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and northern fur seals (*Callorhinus ursinus*) and their responses to changes in the environment. By monitoring these species, managers will be alerted to changes in the condition of pinniped populations and of the coastal marine ecosystems of central California. Research and monitoring activities will include (1) capture and handling of harbor seals and northern elephant seals in order to dye-mark, attach flipper tags and scientific instruments, and collect tissue samples, (2) surveys and photo-documentation of all species in order to quantify numbers by sex and age class annually and seasonally, and (3) incidental Level B disturbances related to research activities. An estimated

maximum of 300 harbor seals and 3,050 elephant seals will be captured or handled per year over a five year period, and an estimated 300 elephant seals, 5,150 harbor seals, 600 California sea lions, and five northern fur seals will be incidentally disturbed during pinniped research operations.

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

Dated: October 31, 2006.

**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

[I.D. 100406A]

#### Taking of Marine Mammals Incidental to Specified Activities; Harbor Redevelopment Project, Moss Landing Harbor, California

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

**ACTION:** Notice; issuance of an incidental take authorization.

**SUMMARY:** In accordance with provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that an Incidental Harassment Authorization (IHA) has been issued to the Moss Landing Harbor District (MLHD), to take small numbers of Pacific harbor seals and California sea lions, by harassment, incidental to the harbor redevelopment project in Moss Landing Harbor, California.

**DATES:** This authorization is effective from November 1, 2006 until October 31, 2007.

**ADDRESSES:** A copy of the application, IHA, and supporting documents for this action may be obtained 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 below.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, NMFS, (301) 713-2289, ext

137, or Monica DeAngelis, NMFS, (562) 980-3232.

#### 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 small numbers of marine mammals by U.S. 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.

An authorization shall be granted if NMFS finds that the taking will be small, 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, and that 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 authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny issuance of the authorization.

##### Summary of Request

On April 24, 2006, NMFS received a request from the Terrestrial and Aquatic

Biological Resources, on behalf of MLHD, to take small numbers of Pacific harbor seals (*Phoca vitulina richardsi*) and California sea lions (*Zalophus californianus*) incidental to the North Harbor Redevelopment Project in Moss Landing Harbor, Monterey County, California.

The project includes construction of a 100-ft (30.5-m) long by 90-ft (27.4-m) wide boat ramp, a 5,000-square foot (464.5-m<sup>2</sup>) public wharf with pedestrian promenade and seating areas, and installation of a 171-ft long (52.1-m) by 10-ft (3.1-m) wide floating dock. The total proposed project site is 4.5 acres (18,211.5 m<sup>2</sup>). The construction phase of the redevelopment would involve driving a total of 72 piles: 9 for the boat ramp, 53 for the public wharf and promenade, and 10 for the floating dock. Installation of the pilings would most likely be from a land-based driver, however, a barge may be used for installation. The pilings will be concrete, 16-inch square for the wharf and the boat launch ramp boarding floats, and 20-inch square for the dock.

An impact hammer is required for installation of the piles. The energy output levels of the impact hammer are approximately 48 – 94 kilojoules (kJ) (or 35,381 – 69,458 foot-pound force (ft-lbs)), depending on the setting. The hammer would be operating at the rate of 36 – 52 blows per minute. The underwater noise level is measured at approximately between 165 – 175 dB re 1 microPa rms at 10 m (32.8 ft), and 155 – 170 dB re 1 microPa rms at 20 m (65.6 ft). It takes approximately 5 – 20 minutes drive time to install each pile, depending on the substrate encountered. Therefore, the maximum time required to install all piles would be 24 hours. The pile driving is estimated to be completed within 2 – 3 months. The proposed project would start in fall 2006.

##### Comments and Responses

A notice of receipt and request for 30-day public comment on the application and the proposed authorization was published in the Federal Register on September 8, 2006 (71 FR 53086). No comments were received during the 30-day public comment period. NMFS requested the review of the Marine Mammal Commission (the Commission) for the IHA application and proposed authorization. The Commission concurred with NMFS' determination that the proposed activities are unlikely to have a significant impact on the affected marine mammal populations.