

finding that such permits: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits are issued in accordance with and are subject to the ESA and NOAA Fisheries regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should provide the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such a hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NOAA Fisheries.

#### Permit Application Received.

Michael Clarke has applied for a permit to take the South Central California Coast Evolutionarily Significant Unit of steelhead trout (*Oncorhynchus mykiss*) and tissue collection from this species during a 2-year study (2004 and 2005) of the abundance and distribution of juvenile steelhead in the San Luis Obispo Creek watershed, San Luis Obispo County, California. Michael Clarke proposes electrofishing and direct underwater observation using mask and snorkel as the methods for estimating abundance and distribution of juvenile steelhead, and has requested an annual non-lethal take of 1620 juvenile steelhead, and annual collection and possession of up to 100 juvenile steelhead tissue samples, with the total possession for both years not exceeding 200 tissue samples. The proposed research would conclude October 31, 2005.

Dated: June 7, 2004.

#### Phil Williams,

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

[FR Doc. 04–13203 Filed 6–10–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060404A]

#### Marine Mammals; Photography Permit Application No. 946–1747

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

**ACTION:** Issuance of permit.

**SUMMARY:** Notice is hereby given that Ocean Futures Society (Jean-Michel Cousteau, Responsible Party), 325 Chapala Street, Santa Barbara, CA 93101, has been issued a permit to take gray whales (*Eschrichtius robustus*) and killer whales (*Orcinus orca*) for purposes of commercial/educational photography.

**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)713–0376;

Northwest Region, NMFS, 7600 Sand Point Way NE, BIN C15700, Bldg. 1, Seattle, WA 98115–0700; phone (206)526–6150; fax (206)526–6426;

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249; and Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802–4213; phone (562)980–4001; fax (562)980–4018.

#### FOR FURTHER INFORMATION CONTACT:

Amy Sloan or Jill Lewandowski, (301)713–2289.

**SUPPLEMENTARY INFORMATION:** On April 2, 2004, notice was published in the **Federal Register** (69 FR 17394) that a request for a photography permit to take the above-mentioned species of marine mammals for purposes of commercial/educational photography had been submitted by the above-named individual. 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). The permit authorizes the applicant to take 100 gray whales and 50 killer whales by level B harassment during close approaches to obtain above- and below-water still photographs, video footage, and sound recordings of migrating gray whales and

encounters of killer whales feeding on gray whales along the Mexican-U.S. border north to the Bering and Chukchi Seas. The purpose of this project is to educate the public on the state of the health of the oceans consistent with the six-part Ocean Futures Society/KQED-PBS partnership film series (Jean-Michel Cousteau's Ocean Adventures series). The permit will expire on May 31, 2006.

Dated: June 4, 2004.

#### Patrick Opay,

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

[FR Doc. 04–13231 Filed 6–10–04; 8:45 am]

**BILLING CODE 3510–22–S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D.060704G]

#### Marine Mammals; File No. 1069–1756

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

**ACTION:** Receipt of application.

**SUMMARY:** Notice is hereby given that Dr. Charles W. Powers, The Institute for Responsible Management/CRESP, Robert Wood Johnson Medical School, 675 Hoes Lane, Piscataway, NJ, has applied for a permit to conduct scientific research on marine mammals.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before July 14, 2004.

**ADDRESSES:** The application 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)713–0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802–1668; phone (907)586–7221; fax (907)586–7249.

Written comments or requests for a public hearing on this application 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)713–0376, provided

the facsimile is confirmed by hard copy submitted by mail and postmarked no later than the closing date of the comment period.

Additionally, comments may be submitted by e-mail. The mailbox address for providing email comments is [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Include File No. 1069-1756 as a document identifier in the subject line of the e-mail comment.

**FOR FURTHER INFORMATION CONTACT:** Dr. Tammy Adams 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.*), and the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216).

The applicant requests a permit for the intentional lethal take of 20 harbor seals (*Phoca vitulina*) in Alaska to determine the extent of radionuclide release from Amchitka Island and investigate levels of radionuclides in selected tissues of marine mammals from Amchitka Island and a reference site to be determined.

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: June 8, 2004.

**Stephen L. Leathery,**

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

[FR Doc. 04-13316 Filed 6-10-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 060204G]

#### Endangered Species; File No. 1236

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

**ACTION:** Receipt of application for modification.

**SUMMARY:** Notice is hereby given that Virginia Institute of Marine Science (VIMS) (Gloucester Point, VA 23062) [Dr. John Musick, Principal Investigator], has requested a modification to scientific research Permit No. 1236.

**DATES:** Written, telefaxed, or e-mail comments must be received on or before July 14, 2004.

**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)713-0376; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978)281-9200; fax (978)281-9371.

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 be submitted by facsimile at (301)713-0376, 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 email 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. 1236.

**FOR FURTHER INFORMATION CONTACT:**

Carrie Hubard or Patrick Opay, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** The subject modification to Permit No. 1236, issued on October 10, 2000 (65 FR 62709) and modified on April 17, 2001 (66 FR 21912) 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. 1236 authorizes the permit holder to conduct two sea turtle research projects, one in the Chesapeake Bay and coastal waters of Virginia and the other in the U.S. Virgin Islands (USVI). The USVI project focuses on the habitat utilization of juvenile hawksbill (*Eretmochelys imbricata*) turtles at the Buck Island Reef National Monument off St. Croix. The Chesapeake Bay project studies the inter-nesting movements of sea turtles in Virginia via satellite telemetry and to assess the effects of beach replenishment on turtle

activities. Both studies capture, handle, tag (PIT, flipper, satellite, radio and acoustic), collect biological samples (via humeral bone biopsy, blood samples and laparoscopy) and release loggerhead (*Caretta caretta*), green (*Chelonia mydas*), Kemp's ridley (*Lepidochelys kempii*), hawksbill and leatherback turtles (*Dermochelys coriacea*). Permit No. 1236 expires on July 31, 2005.

The permit holder requests authorization to hold a maximum of 20 of the loggerhead turtles that are already subject animals in the Chesapeake Bay project for up to one week to study turtle interactions with whelk pots. In an effort to reduce entanglement by sea turtles in the whelk pot fishery, VIMS proposes to test the ways in which turtles interact with various whelk pot designs. Healthy turtles will be transported to VIMS and maintained in indoor tanks until testing. During experimentation, a single turtle will be placed in an outdoor tank with one of the whelk pot designs, rigged and baited to imitate the fishery protocols.

Observers will be present at all times to record turtle behavior. If a turtle becomes entangled for more than five minutes, the observer will disentangle the animal and the experiment will be concluded for the day. Turtles will have a day's rest between experiments and thus will interact with three designs over the course of a week. Turtles will be fed, examined, and monitored by a staff veterinarian. Once the experiment is complete turtles will be released. Currently VIMS is authorized to sample 100 loggerheads annually. The twenty turtles used in the whelk pot study will be a subset of those turtles. There is no increase in the number of loggerhead turtles captured under the permit. This modification would be valid through the life of the permit.

Dated: June 4, 2004.

**Patrick Opay,**

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

[FR Doc. 04-13201 Filed 6-10-04; 8:45 am]

**BILLING CODE 3510-22-S**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 051704F]

#### Endangered Species; File No. 1231

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