

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978)281–9300; fax (978)281–9394.

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)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. 10080.

FOR FURTHER INFORMATION CONTACT:

Tammy Adams or Jaclyn Daly, (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 5-year permit to examine expanding populations of the Western North Atlantic stocks of harbor seals (*Phoca vitulina concolor*) and grey seals (*Halichoerus grypus*) in the Gulf of Maine. The objectives of the study are to assess the state of harbor seal population health; determine movement and diving patterns of weaned harbor seal pups; compare disease loads, survival, and behavior of rehabilitated harbor seal pups with wild pups; and assess behavior, population dynamics, and health of grey seals. The research would involve capture of up to 200 harbor seals and 500 grey seals annually for attachment of flipper tags, physical examinations, and tissue sampling to assess health, behavior, and population dynamics. Up to 10 of the 400 harbor seals captured annually would have satellite tags attached for recording data on movement and dive patterns. An additional 100 grey seals annually may be remotely marked with paint or hair dye to facilitate behavioral observations. Up to 400 harbor seals, 2500 grey seals, 150 harp seals (*Pagophilus*

groenlandicus), and 150 hooded seals (*Cystophora cristata*) may be harassed annually incidental to capture and sampling. The applicant has requested authorization for the unintentional research related mortality of up to 2 harbor seals and 4 grey seals annually.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), NMFS has initially determined that issuance of the proposed permit is consistent with a category of activities identified in NOAA Administrative Order 216–6 that do not individually or cumulatively have the potential to pose significant impacts on the quality of the human environment and are therefore exempted from further environmental review and requirements to prepare environmental review documents.

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: October 23, 2007.

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

RIN 0648–XD35

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to a U.S. Navy Shock Trial

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

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

SUMMARY: NMFS has received a request from the U.S. Navy (Navy) for implementation of regulations and an authorization for the taking of marine mammals incidental to conducting a Full Ship Shock Trial (FSST) of the MESA VERDE (LPD–19) in the offshore waters of the Atlantic Ocean off Mayport, FL. Pursuant to 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 November 26, 2007.

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.XD35@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.

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>.

FOR FURTHER INFORMATION CONTACT: Ken Hollingshead, Office of Protected Resources, NMFS, (301) 713–2289, ext. 128.

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 (Secretary) to allow, upon request, the incidental, but not intentional taking of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) if certain findings are made and regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings will be granted if NMFS finds that the taking will have a negligible impact on the affected species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain subsistence uses, and if the permissible methods of taking and the requirements pertaining to the mitigation, monitoring and reporting of such taking 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.

With respect to military readiness activities, the MMPA defines "harassment" as:

(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild [Level A Harassment]; or (ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered [Level B Harassment].

Summary of Request

On June 25, 2007, NMFS received an application from the Navy requesting implementation of regulations and authorization for the taking of marine mammals incidental to its conducting an FSST during a four-week period in the spring/summer of 2008 utilizing the MESA VERDE (LPD 19), a new amphibious transport dock ship. The shock trial of the MESA VERDE would consist of up to four underwater detonations of a nominal 4,536 kilogram (10,000 lb) charge at a rate of one detonation per week. The purpose of the proposed action is to generate data to assess the survivability of SAN ANTONIO Class amphibious transport dock ships. An entire manned ship must undergo an at-sea shock trial to obtain survivability data that are not obtainable through computer modeling and component testing on machines or surrogates. Navy ship design, crew training, and survivability lessons learned during previous shock trials, and total ship survivability trials, have proven their value by increasing a ship's ability to survive battle damage.

Each new class of surface ships must undergo realistic survivability testing to assess the survivability of the hull and the ship's systems, and to evaluate the ship's capability to protect the crew from an underwater explosion. The Navy has developed the shock trial to meet its obligation to perform realistic survivability testing. A shock trial consists of a series of underwater detonations that propagate a shock wave through the ship's hull under deliberate and controlled conditions. The effects of the shock wave on the ship's hull, equipment, and personnel safety features are then evaluated. This information would be used by the Navy to validate or improve the survivability of the SAN ANTONIO Class, thereby reducing the risk of injury to the crew, and damage to or loss of a ship. The proposed shock trial qualifies as a military readiness activity as defined in Section 315(f) of Public Law 107-314; 16 U.S.C. 703 note.

Marine Mammals

A summary of the marine mammal species found in the Mayport, FL, area is presented here. For more detail on marine mammal abundance, density and the methods used to obtain this information, reviewers are requested to refer to either the Navy application or the Navy DEIS (see **ADDRESSES**). Up to 29 marine mammal species may be present in the waters off Mayport, FL, including 7 mysticetes and 22 odontocetes. Mysticetes are unlikely to occur at Mayport during the spring or summer time period. Odontocetes may include the sperm whale, dwarf and pygmy sperm whale, 4 species of beaked whales, and 15 species of dolphins and porpoises.

Potential Impacts

Potential impacts on several marine mammal species known to occur in the area offshore of Mayport, FL from shock testing include both lethal and non-lethal injury, as well as harassment. Death or injury may occur as a result of the explosive blast, and injury may occur as a result of non-injurious physiological responses to the explosion-generated shockwave and its acoustic signature. The Navy believes it is very unlikely that injury will occur from exposure to the chemical by-products released into the surface waters, and no permanent alteration of marine mammal habitat would occur. While the Navy does not anticipate any lethal takes would result from these detonations due to mitigation and monitoring measures that are proposed to be undertaken by the Navy, marine mammal density-based calculations indicate that the Mayport site has the potential to result in up to 1 mortality, 2 Level A harassments (injuries), and 282 takings by Level B (behavioral) harassment.

Mitigation

The Navy's proposed action includes mitigation that would minimize risk to marine mammals and sea turtles. The Navy proposes to (1) through pre-detonation aerial surveys, select a test area within the chosen site location with the lowest number of marine mammals and sea turtles; (2) monitor the area visually (aerial and shipboard monitoring) before each test and postpone detonation if any marine mammal is detected within a range that has a potential to cause injury; and (3) monitor the area after each test to locate any injured animals. If post-detonation monitoring shows that marine mammals were killed or injured as a result of the test, testing would be halted until

procedures for subsequent detonations could be reviewed and changed as necessary. NMFS may propose and require additional mitigation through its rulemaking and Endangered Species Act (ESA) consultation.

NEPA

The Navy has released a Draft Environmental Impact Statement (Draft EIS) for the MESA VERDE FSST to the public. This document is available for viewing and downloading at <http://www.mesaverdeeis.com>. NMFS is a cooperating agency, as defined by the Council on Environmental Quality (40 CFR 1501.6), in the preparation of this EIS. Because NMFS is a cooperating agency, NMFS staff will be present at the associated public meetings to discuss NMFS' participation in the development of the EIS as well as the MMPA process. The dates and times of the public meetings may be viewed at: <http://www.mesaverdeeis.com>.

ESA

The Navy will be consulting with NMFS under section 7 of the ESA on this action. This consultation will be concluded prior to a determination on issuance regulations and an MMPA authorization to the Navy for this action.

Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy's request (see **ADDRESSES**). All information, suggestions, and comments related to the Navy's FSST request and NMFS' potential development and implementation of regulations governing the incidental taking of marine mammals by the Navy in the Mayport, FL, area will be considered by NMFS in developing regulations governing the issuance of letters of authorization.

Dated: October 16, 2007.

Helen Golde,

Deputy Office Director, Office of Protected Resources, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN: 0648-XD62

Mid-Atlantic Fishery Management Council; Public Meetings

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