

discuss the role the Board will fill and set the framework for future meetings of the Board. On September 26, 1997, the agenda for this first meeting of the Board will include an overview of MEP to include manufacturing extension centers' current activities, impacts of services provided and future goals of centers.

**DATES:** The meeting will convene on September 26, 1997 at 9:00 am and will adjourn at 3:00 pm.

**ADDRESSES:** The meeting will be held in Building 301, Room C-145 (seating capacity 45, includes 15 participants), at NIST, Gaithersburg, Maryland.

**SUPPLEMENTARY INFORMATION:** MEP services to smaller manufacturers address the needs of the national market as well as the unique needs of each company. Since MEP is committed to providing this type of individualized service through its centers, the program requires the perspective of locally-based experts to be incorporated into its national plans. The MEP National Advisory Board was set up at the direction of the Director of the National Institute of Standards and Technology to maintain MEP's focus on local and market based needs. The NEP National Advisory Board was approved on October 24, 1996, in accordance with the Federal Advisory Committee Act, 5 U.S.C. app.2., to provide advice on MEP programs, plans, and policies; assess soundness of MEP plans and strategies; assess current performance against MEP program plans, and function in an advisory capacity. The Board will meet three times a year and reports to the Director of NIST. This will be the first meeting of the members.

**FOR FURTHER INFORMATION CONTACT:**

Linda Acierto, Assistant to the Director for Policy, Manufacturing Extension Partnership, National Institute of Standards and Technology, Gaithersburg, MD 20899, telephone number (301) 975-5033.

Dated: August 21, 1997.

**Elaine Buntin-Mines,**

*Director, Program Office.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 082597A]

#### Fisheries of the Northeastern United States; Atlantic Surf Clam and Ocean Quahog Fisheries; Notice That Vendor Will Provide 1998 Cage Tags

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

**ACTION:** Notice of vendor to provide 1998 cage tags.

**SUMMARY:** NMFS informs surf clam and ocean quahog allocation owners that they will be required to purchase their 1998 cage tags from a vendor.

**ADDRESSES:** Written inquiries may be sent to Mr. Richard Pearson at: National Marine Fisheries Service, Northeast Regional Office, One Blackburn Drive, Gloucester, MA 01930-3799.

**FOR FURTHER INFORMATION CONTACT:** Richard A. Pearson, Fishery Policy Analyst, 508-281-9279.

**SUPPLEMENTARY INFORMATION:** The Federal Atlantic Surf Clam and Ocean Quahog Fisheries regulations at 50 CFR 648.75(b) authorize the Regional Administrator of the Northeast Region to specify in the **Federal Register** a vendor from whom cage tags, required under the management plan, shall be purchased. Implementation of this program will make the surf clam/ocean quahog tag program consistent with other regional tag programs, and set the stage for future tag programs that may be considered. Notice is hereby given that National Band and Tag Company of Newport, KY, is the authorized vendor of cage tags required for the 1998 Federal surf clam and ocean quahog fisheries. Detailed instructions for purchasing these cage tags will be provided in a letter to allocation owners within the next several weeks.

Dated: August 26, 1997.

**Bruce Morehead,**

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

[FR Doc. 97-23253 Filed 9-2-97; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 080897A]

#### Small Takes of Marine Mammals Incidental to Specified Activities; Seismic Retrofit of the Richmond-San Rafael Bridge, San Francisco Bay, CA

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

**ACTION:** Notice of receipt of application and proposed authorization for a small take exemption; request for comments.

**SUMMARY:** NMFS has received a request from the California Department of Transportation (CALTRANS) for an authorization to take small numbers of Pacific harbor seals and possibly California sea lions by harassment incidental to seismic retrofit construction of the Richmond-San Rafael Bridge, San Francisco Bay, CA (the Bridge). Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to authorize CALTRANS to incidentally take, by harassment, small numbers of marine mammals in the above mentioned area for a 1-year period beginning in December 1997.

**DATES:** Comments and information must be received no later than October 3, 1997.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Marine Mammal Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225. A copy of the application, a draft Environmental Assessment (EA) and a list of references cited in this document may be obtained by writing to this address or by telephoning one of the contacts listed below.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, or Irma Lagomarsino, Southwest Regional Office, NMFS, (310) 980-4016.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5) (A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce 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) within a specified geographical region if certain findings

are made and either regulations are issued or, if the taking is limited to harassment, notice of a proposed authorization is provided to the public for review.

Permission may be granted if NMFS finds that the taking will 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 the permissible methods of taking and requirements pertaining to the 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.”

New section 101(a)(5)(D) of the Marine Mammal Protection Act 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. The MMPA now defines harassment as:

\* \* \* any act of pursuit, torment, or annoyance which (a) has the potential to injure a marine mammal or marine mammal stock in the wild; or (b) 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.

New subsection 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 small numbers 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 July 7, 1997, NMFS received an application from CALTRANS, requesting an authorization for the possible harassment of small numbers of Pacific harbor seals (*Phoca vitulina*) and possibly some California sea lions (*Zalophus californianus*) incidental to seismic retrofit construction of the Bridge.

The Bridge will be seismically retrofitted to withstand a future severe earthquake. Construction is scheduled to begin in December 1997, and extend through December 2001. A detailed

description of the work planned is contained in CALTRANS (1996).<sup>1</sup>

Among other things, seismic retrofit work will include: Excavation around pier bases, hydro-jet cleaning, installation of steel casings around the piers with a crane, installation of micro-piles and installation of precast concrete jackets. Foundation construction will require approximately 2 months per pier, with construction occurring on more than one pier at a time. In addition to pier retrofit, superstructure construction and tower retrofit work will also be carried out. The construction duration for the seismic retrofit of foundation and towers on Piers 52 through 57 will be approximately 7 to 8 months. Because of work restrictions and mitigation measures, the seismic retrofit construction in this area will be completed within one or two seasons.

As the seismic retrofit construction between Piers 52 and 57 may potentially result in disturbance of pinnipeds at Castro Rocks, an MMPA authorization is warranted.

### Description of Habitat and Marine Mammals Affected by the Activity

A description of the San Francisco Bay ecosystem and its associated marine mammals can be found in the CALTRANS application (CALTRANS 1997) and CALTRANS (1996).

Castro Rocks are a small chain of rocky islands located next to the Bridge and approximately 1,500 ft (460 m) north of the Chevron Long Wharf. They extend in a south-westerly direction for approximately 800 ft (240 m) from Pier 55. The rocks start at about 55 ft (17 m) from Pier 55 and end at approximately 250 ft (76 m) from Pier 53. The chain of rocks is exposed during low tides and inundated during high tide.

### Marine Mammals

General information on harbor seals and other marine mammal species found in Central California waters can be found in Barlow et al. (1995). The marine mammals likely to be found in the Bridge area are limited to the California sea lion and harbor seal.

The California sea lion primarily uses the Central San Francisco Bay area to feed. California sea lions are periodically observed at Castro Rocks. No pupping or regular haulouts occur in the project area.

The harbor seal is the only marine mammal species found in the Bridge

area in significant numbers and, therefore, is described in detail below.

### Harbor Seals

The California stock of the Pacific harbor seal had an estimated population size in 1994 of 34,554 (Barlow et al. 1995). Harbor seal counts have continued to increase by 4.1 percent annually from 1983 and 1994, except during El Nino events of 1983 and 1995 (Barlow et al. 1995). During the same period however, harbor seal numbers within San Francisco Bay remained stable; their 1994 estimated number being approximately 350 (CALTRANS 1997).

The harbor seal is a non-migratory pinniped found in estuaries and marine embayments and typically rests ashore (hauls out) on tidal-inundated habitats such as mudflats, marshes, and near-shore rocky outcroppings (Kopec and Harvey 1995; Zeiner et al. 1990). Haul-out locations are used as resting sites and are important to the health of harbor seals. Harbor seals feed opportunistically in shallow water on a variety of fish, crustaceans, and a few cephalopods (Zeiner et al. 1990). Harbor seals often use isolated, undisturbed, sites for pupping and molting. The numbers of harbor seals on haul-out sites fluctuates throughout the year, but peaks generally occur during pupping and molting at some sites, such as Castro Rocks. Typically, in San Francisco Bay, pupping occurs from March to May, and molting occurs in June (Kopec and Harvey 1995). Females usually give birth on land, often at low tide, and the newborn pups are able to swim immediately after birth (Zeiner et al. 1990).

In the San Francisco Bay area, harbor seals are known to haul out at the Corte Madera ecological reserve in Marin County; at Castro Rocks on the southeast end of the Richmond-San Rafael Bridge in the North Bay; at Yerba Buena Island in Central San Francisco Bay; at several locations along the western shoreline of the Dumbarton Bridge, on the east side of the Bay (Newark and Mowry Soughs); and at the adjacent coastal areas (such as Point Reyes, Bolinas Lagoon, and Pillar Point (Kopec and Harvey 1995). In addition, several smaller or abandoned haul-out sites occur in San Francisco Bay (Kopec and Harvey 1995).

The numbers of harbor seals at Castro Rocks varies year-round. The most current independent surveys of harbor seals at Castro Rocks were conducted from 1989 to 1992 by Kopec and Harvey (1995). Mean yearly numbers of adults per count ranged from 76 to 113 during the pupping season, and ranged from 48 to 67 during the non-pupping seasons.

<sup>1</sup> California Department of Transportation. 1996. Final Natural Environmental Study/Biological Assessment for the Richmond-San Rafael Bridge Seismic Retrofit Project. CALTRANS District 4.

Maximum numbers of harbor seal pups were between 13 and 26 for that four-year period (Kopec and Harvey 1995). During biological surveys at the Richmond-San Rafael Bridge, CALTRANS personnel counted 101 harbor seals on June 16, 1994, all seals were adults. On June 25, 1996, census data was again collected identifying 86 adults and 6 pups.

Harbor seals do not haul out at Castro Rocks at the highest tides. Harbor seals first come ashore when tide levels drop below 3 ft (1 m) on the eastern half of the easternmost island, closest to Pier 55. As the tide drops further, seals haul out on every island in the chain.

Harbor seals haul out onto dry land for various biological reasons, including sleep (Kriebler and Barrette 1984), predator avoidance and thermoregulation (Barnett 1992). As harbor seals spend most of the evening and nighttime hours in the ocean (Bowles and Stewart 1980), hauled-out seals spend much of their daytime hours in apparent sleep (Kriebler and Barrette 1984, Terhune 1985). In addition to sleep, seals need to leave the ocean to avoid aquatic predators and excessive heat loss to the sea water (Barnett 1992).

However, the advantages of hauling out are counterbalanced by dangers of the terrestrial environment including predators. In general, because of these opposing biological forces, haulout groups are temporary, unstable aggregations (Sullivan 1982). The size of the haulout group is thought to be an anti-predator strategy (da Silva and Terhune 1988). By increasing their numbers at a haulout site, harbor seals optimize the opportunities for sleep by minimizing the requirement for individual vigilance against predators (Kriebler and Barrette 1984). This relationship between seals and their predators is thought to have represented a strong selection pressure for startle behavior patterns (da Silva and Terhune 1988). As a result, harbor seals, which have been subjected to extensive predation or hunting, rush into the water at the slightest alarm.

Startle response in harbor seals can vary from a temporary state of agitation by a few individuals to the complete abandonment of the beach area by the entire colony. Normally, when harbor seals are frightened by noise, or the approach of a boat, plane, human, or other potential predator, they will move rapidly to the relative safety of the water. Depending upon the severity of the disturbance, seals may return to the original haul out site immediately, stay in the water for some length of time before hauling out, or haulout in a different area. When disturbances occur

late in the day, harbor seals may not haul out again until the next day.

Disturbances have the potential to cause a more serious effect when herds are pupping or nursing, when aggregations are dense, and during the molting season. However, evidence to date has not indicated that anthropogenic disturbances have resulted in increased mortality to harbor seals. Bowles and Stewart (1980) for example, found that harbor seals tendency to flee, and the length of time before returning to the beach, decreased during the pupping season. They also found that maternal-pup separations in crowded colonies are considered frequent, natural occurrences that can result from several causes, including normal female-female or male-female interactions. Both factors apparently giving some protection to young seals from the startle response of the herd.

#### *Potential Effects on Marine Mammals*

The impact to the harbor seals and California sea lions would be disturbance by the presence of workers, construction noise, and construction vessel traffic. Disturbance from these activities is expected to have a short-term negligible impact to a small number of harbor seals and sea lions. These disturbances will be reduced by implementation of the proposed work restrictions and mitigation measures (see below).

During the work period, harbor seal and on rare occasions, California sea lion incidental harassment is expected to occur on a daily basis upon initiation of the retrofit work. When harbor seals no longer perceive construction noise and activity as being threatening, they are likely to resume their regular hauling out behavior. The number of seals disturbed will vary daily depending upon tidal elevations. It is expected that disturbance to harbor seals during peak periods of abundance will not occur since construction activities will not take place within the restricted work area during the peak period (see Mitigation below).

It is not known whether California sea lions will react to construction noise and move away from the rocks during construction activities. Sea lions are generally thought to be more tolerant of human activities than harbor seals and are likely therefore to be less impacted.

#### *Potential Effect on Habitat*

Short-term impacts of the activities are expected to result in a temporary reduction in utilization of the Castro Rocks haul out site while work is in progress or until seals acclimate to the disturbance. This will not likely result

in any permanent reduction in the number of seals at Castro Rocks. The abandonment of Castro Rocks as a harbor seal haul out and rookery is not anticipated since existing traffic noise from the Bridge, commercial activities at the Chevron Long Wharf used for off-loading crude oil, and considerable recreational boating and commercial shipping currently occur within the area. In addition, mitigation measures and proposed work restrictions are designed to preclude abandonment.

Therefore, as described in detail in CALTRANS (1996), other than the potential short-term abandonment by harbor seals, of part or all of Castro Rocks during retrofit construction, no impact on the habitat or food sources of marine mammals are likely from this construction project.

#### *Mitigation*

Several mitigation measures to reduce the potential for marine mammal harassment will be implemented by CALTRANS as part of their proposed activity. General restrictions include: No piles installed between 7 p.m. and 7 a.m., imposition of a construction noise limit of 86 dBA at 50 ft (15 m) between 7 p.m. and 7 a.m., and a limitation on construction noise levels for 24 hrs/day in the vicinity of Castro Rocks during the pupping/molting restriction period.

Marine mammal mitigation measures include: (1) A February 1 through June 30 restriction on work in the water south of the Bridge center line and on piers and pilings from Piers 52 through 57; and (2) no watercraft will be deployed during the year within the exclusion zone located between Piers 52 and 57 on the south side of the Bridge, except for when construction equipment is required for seismic retrofitting of piers 52 through 57. This exclusion area will be restricted as a controlled access area on plans and will be marked off with buoys located 200 ft (60 m) from the rocks.

To further minimize potential harassment, NMFS proposes to require CALTRANS to the following: (1) Minimize vessel traffic in the exclusion zone when conducting construction activities between piers 52 and 57; (2) construction noise levels on the superstructure will be limited to 86 dB re 20  $\mu$ Pa-m for 24 hours/day in the vicinity of Castro Rocks during the pupping/molting restriction period; and (3) no retrofit construction work will occur on the towers associated with piers 52 through 57 between February 1 and June 30.

### Monitoring

During the time that seismic retrofit construction activities occur on Piers 52 through 57, harbor seal monitoring at Castro Rocks will be made for an 8-hour period once a week. Sound levels will be recorded on those days that seals are being monitored. Monitoring will be conducted by a minimum of one trained biologist approved by NMFS.

Monitoring of harbor seals at Castro Rocks will continue on a quarterly basis for one year after the retrofit construction is completed.

### Reporting

CALTRANS will provide weekly reports to NMFS and a final report will be provided within 3 months of completion of construction work on Piers 52 through 57. These reports will provide dates, time, tidal height, maximum number of harbor seals ashore, number of adults and sub-adults, number of females/males, number of redcoats, and any observed disturbances. A description of retrofit activities at the time of observation and any sound pressure levels measurements made at the haulout.

CALTRANS will provide NMFS with a follow-up report on the post-construction monitoring activities within 18 months of project completion in order to evaluate whether haul-out patterns are similar to the pre-retrofit haul-out patterns at Castro Rocks.

### National Environmental Policy Act

In conjunction with this notice, NMFS has released a draft EA that addresses the impacts on the human environment from issuance of the authorization and the alternatives to the proposed action. A copy of the draft EA is available upon request (see ADDRESSES).

### Conclusions

NMFS has preliminarily determined that the short-term impact of a seismic retrofit construction of the Bridge will result, at worst, in a temporary modification in behavior by harbor seals and possibly some California sea lions. While behavioral modifications, including temporarily vacating the haul-out, may be made by these species to avoid the resultant noise, this action is expected to have a negligible impact on the animals. In addition, no take by injury and/or death is anticipated and takes will be at the lowest level practicable due to incorporation of the mitigation measures mentioned above.

### Proposed Authorization

NMFS proposes to issue an incidental harassment authorization to CALTRANS

for the possible harassment of small numbers of harbor seals and California sea lions incidental to seismic retrofit construction of the Bridge, provided the above mentioned mitigation, monitoring and reporting requirements are incorporated. NMFS has preliminarily determined that the proposed activities would result in the harassment of only small numbers of harbor seals and possibly California sea lions and will have no more than a negligible impact on these marine mammal stocks.

### Information Solicited

NMFS requests interested persons to submit comments, information, and suggestions concerning this request (see ADDRESSES).

Dated: August 26, 1997.

**Hilda Diaz-Soltero,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 081297B]

### Longline and Billfish Advisory Panels; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Atlantic Billfish Advisory Panel (AP) and the AP for the pelagic longline fishery for Atlantic highly migratory species (HMS) will hold their second meetings on Sept. 18 and 19, 1997, respectively, in Miami, FL to discuss future management options for the Atlantic billfish and pelagic longline fisheries. Additionally, a longline technical workshop will be held on the evening of Sept. 18, 1997.

**DATES:** The billfish AP will meet from 8:00 a.m. to 4:00 p.m. on Sept. 18, 1997, followed by the longline technical workshop from 6:00 to 9:00 p.m. The longline AP will meet on Sept. 19, 1997, from 8 a.m. to 4:00 p.m.

**ADDRESSES:** The AP meetings will be held at the NMFS Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149. The longline technical workshop will be held at the Sheraton Biscayne Bay on Brickell Point, 495 Brickell Ave., Miami, FL 33131.

**FOR FURTHER INFORMATION CONTACT:** Jill Stevenson or Liz Lauck, telephone:

(301) 713-2347, Fax: (301) 713-1917, e-mail: jill.stevenson@noaa.gov or liz.lauck@noaa.gov.

**SUPPLEMENTARY INFORMATION:** The billfish and longline APs are established under the authority of the Magnuson-Stevens Fishery Conservation and Management Act, 16 U.S.C. 1801 et seq. The longline AP will assist the Secretary of Commerce (Secretary) in preparing a study on the feasibility of implementing a comprehensive management system for the pelagic longline fishery for Atlantic HMS. The billfish AP will assist the Secretary in collecting information to develop an amendment to the Atlantic Billfish Fishery Management Plan. The AP meetings and the technical workshop are open to the public and will be attended by members of the AP, including appointed members, representatives of the five Fishery Management Councils that work with HMS, the Atlantic and Gulf states, the Atlantic and Gulf States Marine Fisheries Commissions, and the Chair, or his representative, of the U.S. Advisory Committee to the International Commission for the Conservation of Atlantic Tunas. Agenda items for the billfish AP include:

- (1) Enforcement of domestic billfish regulations.
- (2) Discussion of a draft Issues/Options (scoping) document.
- (3) Discussion of scoping meetings and draft schedule.
- (4) Recreational fishery data collection and analysis.
- (5) Seasonal billfish bycatch analysis.
- (6) Discussion of two petitions for rulemaking.

- (7) Presentation and discussion of economic valuation issues by fishery.

Potential issues to be presented at the technical workshop include limited access, individual transferable quotas, quota monitoring, data collection and analysis, and other technical issues related to the pelagic longline fishery.

Potential agenda items for the pelagic longline AP include:

- (1) Discussion of the longline survey, questionnaire, and workshops.
- (2) Discussion of a draft problem statement that highlights issues to be considered in the study.
- (3) Further topics concerning development of the study.

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Jill Stevenson or Liz Lauck, 1315 East-West Highway, Silver Spring, MD 20910, phone (301) 713-2347 at least 7 days prior to the meeting date.