

DATES: Written comments must be submitted on or before May 21, 1999.

ADDRESSES: Direct all written comments to Linda Engelmeier, Departmental Forms Clearance Officer, Department of Commerce, Room 5327, 14th and Constitution Avenue, NW, Washington DC 20230.

FOR FURTHER INFORMATION CONTACT:

Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to John Poffenberger, Southeast Fisheries Science Center, 75 Virginia Beach Drive, Miami, FL 33149 (305-361-4263).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Southeast Fisheries Science Center, NMFS is proposing to implement a procedural change in the existing reporting requirements under 50 CFR 622.5. This change would implement the use of an Interactive Voice Response (IVR) system to monitor Federally-permitted dealer purchases of quota-managed species. The IVR system uses a toll-free number that the dealers would call to report summary of purchases, enabling NMFS to determine when domestic harvest limits have been reached. Reports through the IVR system would need to be submitted within three days of the end of the reporting week.

Species that would be subject to IVR reporting include king and Spanish mackerel, snowy grouper, golden tilefish, greater amberjack and red snapper. Following a review of public comments received in response to this announcement, it is planned that only king mackerel dealers will be asked to participate in the developmental stage of the implementation.

II. Method of Collection

Mandatory dealer reporting via interactive voice response system.

III. Data

OMB Number: 0648-0013

Form Number: N/A

Type of Review: Regular submission

Affected Public: Business or other for-profit (seafood dealers)

Estimated Number of Respondents: 452

Estimated Time Per Response: 8 minutes

Estimated Total Annual Burden Hours: 1,072

Estimated Total Annual Cost to Public: \$10,720

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information

is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: March 12, 1999.

Linda Engelmeier,

Departmental Forms Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 99-6819 Filed 3-19-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 092898C]

Small Takes of Marine Mammals Incidental to Specified Activities; Construction of an Offshore Platform in the Beaufort Sea

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

ACTION: Notice of issuance of an interim incidental harassment 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) to take small numbers of ringed seals by harassment incidental to construction of ice roads at the Northstar Development in the Beaufort Sea in state waters has been issued to BP Exploration (Alaska) Inc, 900 East Benson Boulevard, Anchorage, AK 99519 (BPXA).

DATES: This authorization is effective from March 15, 1999, through May 15, 1999, or until superseded by another IHA, whichever is earlier.

ADDRESSES: The application, authorization, and environmental assessment (EA) are available by writing to the Acting Chief, Marine Mammal Division, Office of Protected Resources,

NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3225, or by telephoning one of the contacts listed here.

A copy of the 8-volume final environmental impact statement (FEIS) or any of its separate volumes may be obtained upon written request from Mr. Tim Jennings, U.S. Army Corps of Engineers (Corps), Alaska District, Regulatory Branch, P.O. Box 898, Anchorage, AK 99506-0898. The Corps requests that reviewers request only those volumes that are necessary for review.

FOR FURTHER INFORMATION CONTACT:

Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055, Brad Smith, Western Alaska Field Office, NMFS, (907) 271-5006.

SUPPLEMENTARY INFORMATION:

Background

Sections 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, a 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) and 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 monitoring and reporting of such taking are set forth.

On April 10, 1996 (61 FR 15884), NMFS published an interim rule establishing, among other things, procedures for issuing IHAs under section 101(a)(5)(D) of the MMPA for activities in Arctic waters. For additional information on the procedures to be followed for this authorization, please refer to that document.

Summary of Request

On August 14, 1998, NMFS received an application from BPXA requesting a 1-year authorization for the harassment of small numbers of several species of marine mammals incidental to construction of the Northstar development in the Alaskan Beaufort Sea. While a brief description of the

proposed activity is provided here, a more detailed description of the activity and the expected impact on marine mammals can be found in the application and FEIS, which are available upon request (see ADDRESSES).

BPXA proposes to produce crude oil from the Northstar Unit, which is located between 2 and 8 miles (mi) (3.2 and 12.9 kilometers (km)) offshore from Pt. Storkersen, AK. This unit is adjacent to the Prudhoe Bay industrial complex and is approximately 54 mi (87 km) northeast of Nuiqsut, a Native Alaskan community. During the period of the proposed authorization, the construction activity, proposed by BPXA in their application, was to include the construction of three ice roads: a first one from either West Dock or Pt. McIntyre to a gravel mine site, a second from a gravel mine site to Seal Island, and a third from the shore crossing of the pipeline following the pipeline route to Seal Island; the construction of a gravel island work surface for drilling and oil production facilities; and two pipelines, one to transport crude oil and one for gas for field injection. However, due in part to a delay in completion of the FEIS by the Corps on this action, BPXA notified NMFS, during the public comment period, that construction at Northstar would require 2 years instead of the 1 year originally proposed.

In order to avoid losing an entire year of development at Northstar, BPXA has determined that it may legally construct the ice road prior to the release of the FEIS because ice road construction and operation do not require a permit from the Corps under either section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) or section 404 of the Federal Water Pollution Control Act of 1972 as amended (33 U.S.C. 1344). Accordingly, BPXA has requested NMFS to issue an interim IHA in order to authorize the incidental harassment of ringed seals during ice road construction, maintenance, and operation this winter and spring. Additional work described previously in this document will not be authorized prior to completion of the Corp's process under the National Environmental Policy Act (NEPA).

Comments and Responses

A notice of receipt of BPXA's application and NMFS' proposed authorization was published on October 26, 1998 (63 FR 57096), and a 30-day public comment period was provided on the application and proposed authorization. During the comment period, comments regarding this application were received from the

Marine Mammal Commission, the Alaska Eskimo Whaling Commission, the North Slope Borough, BPXA, the Seattle Audubon Society, and Greenpeace Alaska on behalf of several Alaskan environmental organizations. The concerns and recommendations made by these organizations have been given full consideration by NMFS in making its determination on whether to issue an Interim IHA. NMFS' response to all comments will be addressed in a future **Federal Register** document regarding issuance of a full 1-year IHA.

Description of the Action

Ice road construction is taking place during the 1998/99 winter. Ice roads constructed inside the barrier islands will be bottom-fast while ice roads offshore will be on artificially thickened floating ice. Island construction will be at the location of the existing man-made Seal Island. From January through March 1999, BPXA will construct only the ice road from the gravel mine site to Seal Island. The main ice road will be supplemented with an alternate ice road. The alternate ice road will be oriented parallel, approximately 1,200 ft (366 m) west of the main ice road from the gravel reload area to Seal Island. The alternate ice road is necessary to continue gravel hauling during maintenance and repair of the main ice road.

It is estimated that approximately 16,800 large-volume haul trips between the onshore mine site and a reload area in the vicinity of Egg Island and 28,500 lighter dump truck trips from Egg Island to Seal Island will be necessary to transport construction gravel to Seal Island. An additional 300 truck trips will be necessary to transport concrete-mat slope protection materials to the island.

Potential Effects on Marine Mammals

In winter and spring, ice road construction, travel, and activities are expected to displace some ringed seals along the ice road corridor. It is expected that the noise and general human activity early in the season will displace female seals away from activity areas that could negatively affect the female and young if birth lairs were constructed in or near the road corridor.

Effects of Activities on Subsistence Needs

The only marine mammal species expected to be affected by the construction, maintenance, and operation of the ice roads will be the ringed seal. While Northstar activity has some potential to influence subsistence seal hunting activities, the most

important sealing area for Nuiqsut hunters is off the Colville Delta, extending as far west as Fish Creek and as far east as Pingok Island. Pingok Island is about 24 km (15 mi) west of Northstar. However, since the peak season for seal hunting is during the summer months (although some hunting is conducted on the landfast ice in late spring), there is no evidence that ice road construction will have an unmitigable adverse impact on the subsistence needs for marine mammals.

Mitigation

In order to protect ringed seals from harassment, injury or mortality during construction of the ice road prior to issuance of the requested Interim IHA, BPXA voluntarily conducted a pre-construction marine mammal survey and site inspection 600 ft (183 m) on both sides from the center of the ice road corridor from south of Egg Island to Seal Island using five biologists and two Inupiat seal hunters. This survey indicated that no seals were inhabiting the ice road corridor.

Mitigation measures have been proposed by BPXA to reduce harassment takes to the lowest level practicable. Those mitigation requirements, which have been incorporated into the IHA, include: (1) Begin winter construction activities prior to female ringed seals establishing the birthing lair in late March to early April in order to displace seals away from activities that could negatively affect the female and young, and (2) Survey any undisturbed (unsurveyed) area(s) to identify and avoid ringed seal lairs by a minimum of 50 m (164 ft), if construction activities are initiated in previously undisturbed areas after March 20.

Monitoring

Monitoring will employ both marine mammal observations and acoustics measurements and recordings. During the ice-covered season, BPXA proposes to continue an ongoing (since the spring, 1997) Before-After/Control-Impact (BA/CI) Study on the distribution and abundance of ringed seals in relation to development of the offshore oil and gas resources in the central Beaufort Sea. Collection and analysis of data before and after construction are expected to provide a reliable method for assessing the impact of oil and gas activities on ringed seal distribution in the Northstar construction area.

Other winter/spring monitoring will include (1) on-ice searches for ringed seal lairs in areas where ice-road construction starts after mid-March, (2)

late winter aerial survey and assessment of abandonment rates for seal holes, and (3) acoustic measurements of gravel hauling and new ice-road construction sounds.

While the monitoring plan has been reviewed by NMFS biologists, NMFS has determined that independent peer review is not warranted for the on-ice portion of the plan. This work has been underway since the 1997/98 winter and will continue for several years. On-ice monitoring was reviewed in general during the May, 1998 peer-review workshop held in Seattle, WA and recommendations made at that workshop are reflected in this monitoring plan. NMFS expects however, that the open-water season monitoring plan will be reviewed next spring at the annual peer-review workshop held in Seattle.

Reporting

BPXA will provide an initial report on 1999 activities to NMFS within 90 days after the ice roads are no longer usable or spring aerial surveys are completed, whichever is later. This report will provide summaries of the dates and locations of construction activities, details of marine mammal sightings, and estimates of the amount and nature of marine mammal takes.

A draft final technical report will be submitted to NMFS by April 1, 2000. The final technical report will contain a full description of the methods, results, and interpretation of all monitoring tasks. The draft final report will be subject to peer review before being finalized by BPXA.

NEPA

On February 5, 1999 (64 FR 5789), the Environmental Protection Agency noted the availability for public review and comment, an FEIS prepared by the Corps under NEPA on Beaufort Sea oil and gas development at Northstar. Comments on that document were accepted by the Corps until March 8, 1999. NMFS is a cooperating agency, as defined by the Council on Environmental Quality regulations (40 CFR 1501.6), in the preparation of this document.

Because ice road construction does not require a permit from the Corps under either section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) or section 404 of the Federal Water Pollution Control Act of 1972 as amended (33 U.S.C. 1344), BPXA has determined that it may legally construct the ice road prior to release of the FEIS. In addition, because ice roads are temporary structures that will disappear in late spring, NMFS has determined

that there will not be an irreversible commitment of resources under NEPA.

In conjunction with the request from BPXA for an interim IHA, an EA has been prepared that addresses the impacts on the human environment from issuance of the authorization and the alternatives to the issuance of an Interim IHA. As a result of the findings made in the EA, NMFS has concluded that the implementation of either the preferred alternative or of other identified alternatives would not have a significant impact on the human environment. As a result of that finding, a DEIS will not be prepared on this action. A copy of the EA is available upon request (see ADDRESSES).

Consultation

Under section 7 of the Endangered Species Act (ESA), NMFS will complete formal consultation with the Corps on the Beaufort Sea oil and gas development project at Northstar. NMFS will also consult with itself on the issuance of an incidental harassment authorization for this activity. If an authorization to incidentally harass listed marine mammals is issued under the MMPA, NMFS will issue an Incidental Take Statement under section 7 of the ESA for listed marine mammals. The Interim IHA, however, will not result in taking any listed marine mammals.

Conclusions

NMFS has determined that the impact of constructing ice roads at the Northstar Development in the U.S. Beaufort Sea will result, at worst, in a temporary modification in behavior by ringed seals. During the ice-covered season, ringed seals in the vicinity of the ice roads may be incidentally harassed due to the noise created by construction and may also be subject to displacement from lairs and/or breathing holes due to construction of ice roads and to transportation activities on that road. However, NMFS concludes that this harassment and possible displacement have been significantly mitigated due to BPXA on-ice surveys described previously. While behavioral modifications may be made by ringed seals to avoid the resultant noise, this behavioral change is expected to have no more than a negligible impact on a few individual animals. As cetaceans and species of seals other than ringed seals will not be in the area during the ice-covered season, they will not be affected. In addition, no take by injury and/or death is anticipated. No rookeries, areas of concentrated mating or feeding, or other areas of special significance for marine mammals occur within or near the planned area of

operations during the season of operations.

While ice road construction at Northstar has some potential to influence seal hunting activities by residents of Nuiqsut, NMFS believes that ice road construction at Northstar will not have an unmitigable adverse impact on the availability of ringed seals for subsistence uses.

Since NMFS is assured that the taking would (1) result in no more than the incidental harassment (as defined by the MMPA Amendments of 1994) of small numbers of ringed seals, (2) have only a negligible impact on this stock, (3) have only an unmitigable adverse impact on the availability of this stock for subsistence uses, and (4) result in the least practicable impact on the stock, NMFS has determined that the requirements of section 101(a)(5)(D) of the MMPA have been met and that the authorization can be issued.

Authorization

Accordingly, NMFS has issued an Interim IHA to BPXA for the taking of ringed seals incidental to the construction, maintenance, and operation of ice roads at Northstar during the 1999 on-ice season provided the mitigation, monitoring, and reporting requirements described in the authorization are undertaken.

Dated: March 15, 1999.

Hilda Diaz-Soltero,

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

[FR Doc. 99-6818 Filed 3-19-99; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031699B]

Marine Mammals; File No. 782-1355

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

ACTION: Receipt of application for amendment.

SUMMARY: Notice is hereby given that Dr. Douglas P. DeMaster, Director, National Marine Mammal Laboratory, National Marine Fisheries Service, NOAA, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070, has requested an amendment to scientific research Permit No. 782-1355.

DATES: Written or telefaxed comments must be received on or before April 21, 1999.