

## SUPPLEMENTARY INFORMATION:

**Background**

Section 101(a)(5)(A) 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 regulations are issued.

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. 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."

Subsection 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for an authorization to incidentally take small numbers of marine mammals by harassment for a period of up to 1 year. The MMPA 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.

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 a 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 March 10, 1998, NMFS received an application from the U.S. Air Force, Vandenberg, requesting continuation of an authorization for the harassment of small numbers of harbor seals and possibly California sea lions, northern elephant seals, and other pinnipeds incidental to launches of Athena rockets from Vandenberg. The present authorization expires on July 18, 1998. The U.S. Air Force application incorporates by reference the

information contained in applications provided each year since 1995. Detailed descriptions of the activity and the expected impact from rocket launches on marine mammals have been provided in previous authorization notices for Lockheed (60 FR 24840, May 10, 1995; 60 FR 38308, July 26, 1995; 61 FR 19609, May 2, 1996; 61 FR 38437, July 24, 1996; 62 FR 26779, May 15, 1997; and 62 FR 40335, July 28, 1997). These applications and notices are available upon request (see ADDRESSES).

It should be noted that NMFS has received a petition for regulations and an application for a small take authorization under section 101(a)(5)(A) of the MMPA. If implemented, this rulemaking will replace this 1-year authorization, (see 62 FR 40335, July 28, 1997) with a 5-year regulatory program, governing incidental takes of marine mammals by launches of all rocket and missile types, and jet aircraft and helicopter operations from Vandenberg.

**Comments and Responses**

A notice of receipt of the U.S. Air Force application and proposed authorization was published on April 8, 1998 (63 FR 17154), and a 30-day public comment period was provided on the application and proposed authorization. No comments were received during the comment period.

**Description of Marine Mammals and Potential Effects of Launches on Marine Mammals**

The marine mammal species anticipated to be incidentally harassed by launches from Vandenberg is principally the harbor seal (*Phoca vitulina*). California sea lions (*Zalophus californianus*), northern elephant seals (*Mirounga angustirostris*), northern fur seals (*Callorhinus ursinus*), and possibly Guadalupe fur seals (*Arctocephalus townsendi*) in the vicinity of Vandenberg and on the Northern Channel Islands (NCI) may also be harassed, but in significantly smaller numbers. A detailed description of the Southern California Bight population of seals and sea lions and the potential impacts from rocket launches on these species and stocks, have been provided in the previously referenced **Federal Register** notices and are not repeated here. For the appropriate discussion, interested reviewers are encouraged to refer to those documents, which are available upon request from NMFS (see ADDRESSES).

As a result of the noise associated with launches and the sonic boom resulting from some launch vehicles at certain trajectories, there is a potential to cause a startle response to those seals and sea lions that haul out on the

coastline of Vandenberg and on the NCI. The effect on the above listed seals and sea lions would be anticipated to result in a negligible short-term impact to small numbers of seals and sea lions that are hauled out at the time of a launch. No impacts are anticipated to animals that are in the water at the time of launch.

**Conclusions**

Based upon information provided by the applicant and by previous reviews of the incidental take of seals and sea lions by this activity, NMFS believes that the short-term impact of the rocket launches at Vandenberg is expected to result in, at worst, a temporary reduction in utilization of the haulout as seals and/or sea lions leave the beach for the safety of the water. Launchings are not expected to result in any reduction in the number of seals or sea lions, and they are expected to continue to occupy the same areas. Additionally, there will not be any impact on the habitat itself. Based upon studies conducted for previous space vehicle launches at Vandenberg, significant long-term impacts on seals and sea lions at Vandenberg are unlikely.

For these reasons, NMFS has determined that the requirements of section 101(a)(5)(D) of the MMPA have been met and the authorization can be issued.

**Authorization**

For the above reasons, NMFS has issued an IHA for a period of time not to exceed 1 year for launches of Athena rockets at SLC-6, Vandenberg, provided the monitoring and reporting requirements currently in effect are continued.

Dated: June 1, 1998.

**Patricia A. Montanio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*  
[FR Doc. 98-14868 Filed 6-4-98; 8:45 am]

BILLING CODE 3510-22-F

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[I.D. 052798C]

**Gulf of Mexico Fishery Management Council; Public Meetings**

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will convene public meetings of its Florida/Alabama, Mississippi/Louisiana, and Texas Habitat Protection Advisory Panels (AP).

**DATES:** A meeting of the Florida/Alabama Habitat Protection AP will be held on Wednesday, June 17, 1998. A meeting of the Mississippi/Louisiana Habitat Protection AP will be held on Monday, June 22, 1998. A meeting of the Texas Habitat Protection AP will be held on Tuesday, June 30, 1998. The meetings in Florida and Texas will begin 10:00 a.m. and conclude by 5:00 p.m.; the meeting in Louisiana will begin at 9:00 a.m. and conclude by 4:00 p.m.

**ADDRESSES:** The meeting of the Florida/Alabama Habitat Protection AP will meet at the Ramada Airport Inn & Conference Center, 5303 West Kennedy Boulevard, Tampa, FL; telephone: 813-289-1950. The Mississippi/Louisiana Habitat Protection AP will meet at the New Orleans Airport Radisson, 2150 Veterans Boulevard, Kenner, LA; telephone: 504-467-3111. The Texas Habitat Protection AP will meet at the Hobby Airport Hilton, 8181 Airport Boulevard, Houston, TX; telephone: 713-645-3000.

**Council address:** Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

**FOR FURTHER INFORMATION CONTACT:** Richard Leard, Senior Fishery Biologist; telephone: 813-228-2815.

**SUPPLEMENTARY INFORMATION:** The APs will be convened to review the draft generic amendment on essential fish habitat (EFH). The draft document is mandated by the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson Act) and addresses EFH in all seven of the Council's Fishery Management Plans (FMP). Following is a summary of the amendment:

1. Essential fish habitat (EFH) is identified and described based on areas where various life stages of 21 selected managed species and the coral complex commonly occur. The selected species are shrimp (brown shrimp, *Penaeus aztecus*; white shrimp, *Penaeus setiferus*; pink shrimp, *Penaeus duorarum*); red drum, *Sciaenops ocellatus*; reef fish (red grouper, *Epinephelus morio*; gag grouper, *Mycteroperca microlepis*; scamp grouper, *Mycteroperca phenax*; red snapper, *Lutjanus campechanus*; gray snapper, *Lutjanus griseus*; yellowtail snapper, *Ocyurus chrysurus*; lane snapper, *Lutjanus synagris*; greater amberjack, *Seriola dumerili*; lesser

amberjack, *Seriola fasciata*; tilefish, *Lopholatilus chamaeleonticeps*; and gray triggerfish, *Balistes capricus*), coastal migratory pelagic species (king mackerel, *Scomberomorus cavalla*; Spanish mackerel, *Scomberomorus maculatus*; cobia, *Rachycentron canadum*; and dolphin, *Coryphaena hippurus*), stone crab, *Menippe mercenaria*; spiny lobster, *Panulirus argus*; and the coral complex;

2. The selected species represent about a third of the species under management by the Gulf of Mexico Fishery Management Council. Collectively, these species commonly occur throughout all of the marine and estuarine waters of the Gulf of Mexico. EFH for the remaining managed species will be addressed in future FMP amendments, as appropriate;

3. EFH is defined as everywhere that the above managed species commonly occur. Because these species collectively occur in all estuarine and marine habitats of the Gulf of Mexico, EFH is separated into estuarine and marine components. For the *estuarine* component, EFH includes all estuarine waters and substrates (mud, sand, shell, rock and associated biological communities), including the sub-tidal vegetation (seagrasses and algae) and adjacent inter-tidal vegetation (marshes and mangroves). In *marine* waters of the Gulf of Mexico, EFH includes virtually all marine waters and substrates (mud, sand, shell, rock and associated biological communities) from the shoreline to the seaward limit of the EEZ;

4. Threats to EFH from fishing and nonfishing activities are identified;

5. Options to conserve and enhance EFH are provided and research needs are identified;

6. No management measures and, therefore, no regulations are proposed at this time. Fishing-related management measures to minimize any identified impacts are deferred to future amendments when the Council has the information necessary to decide if the measures are practicable.

Although other issues not contained in this agenda may come before the Panels for discussion, in accordance with the Magnuson-Stevens Fishery Conservation Act, those issues may not be the subject of formal action during this meeting. Panel action will be restricted to those issues specifically identified in the agenda listed in this notice.

A copy of the agenda can be obtained by contacting the Gulf Council (see **ADDRESSES**).

## Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by June 10, 1998.

Dated: June 1, 1998.

**Bruce C. Morehead,**

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

[FR Doc. 98-15028 Filed 6-4-98; 8:45 am]

BILLING CODE 3510-22-F

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[I.D. 052798B]

### Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council and its advisory entities will hold public meetings.

**DATES:** The Council, and its advisory entities will meet during June 22-26, 1998. The Council meeting will begin on Tuesday, June 23, at 8 a.m. with a closed session to discuss litigation and personnel matters. The open session begins at 8:30 a.m. The Council will reconvene Wednesday through Friday at 8 a.m. in open session. The Council will meet as late as necessary each day to complete its scheduled business.

**ADDRESSES:** The meetings will be held at the Doubletree Hotel, Seattle Airport, 18740 Pacific Highway South, Seattle, WA 98188; telephone: (206) 246-8600.

**Council address:** Pacific Fishery Management Council, 2130 SW Fifth Avenue, Suite 224, Portland, OR 97201.

**FOR FURTHER INFORMATION CONTACT:** Lawrence D. Six, Executive Director; telephone: (503) 326-6352.

**SUPPLEMENTARY INFORMATION:** The following items are on the Council agenda, but not necessarily in this order:

- A. Call to Order
1. Opening Remarks, Introductions, Roll Call.
2. Remarks of Rear Admiral J. David Spade, USCG.
3. Approve Agenda.
4. Approve November 1997, March 1998, and April 1998.