

Dated: May 6, 1999.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.
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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 050699C]

Endangered Species; Permits

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

ACTION: Receipt of applications to modify permits (1094, 1144, 1136); issuance of permits (1122, 1173); and modifications to existing permits (899, 901, 902, 903, 998, 1141).

SUMMARY: Notice is hereby given of the following actions regarding permits for takes of endangered and threatened species for the purposes of scientific research and/or enhancement:

NMFS has received applications for modifications to existing permits from: Washington Department of Fish and Wildlife in Olympia, WA (WDFW) (1094), Mr. Bruce D. Peery (BDP) (1144), and Oregon Cooperative Fish and Wildlife Research Unit in Corvallis, OR (OCFWRU) (1136); NMFS has issued permits to Mr. Cary Osterhaus, U.S. Bureau of Land Management (BLM) (1122), and Dr. Douglas DeHart, Oregon Department of Fish and Wildlife (ODFW) (1173); and NMFS has issued modifications to scientific research permits to: Oregon Department of Fish and Wildlife at Portland, OR (ODFW) (899), WDFW (901, 902), Idaho Department of Fish and Game at Boise, ID (IDFG) (903), the Shoshone-Bannock Tribes at Fort Hall, ID (SBT) (998), and Public Utility District Number 2 of Grant County in Ephrata, WA (PUD GC) (1141).

DATES: Written comments or requests for a public hearing on any of the new applications or modification requests must be received on or before June 14, 1999.

ADDRESSES: The applications and related documents are available for review in the following offices, by appointment:

For permits 899, 901, 902, 903, 998, 1094, 1122, 1136, 1141, 1173: Protected Resources Division, F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232-4169 (503-230-5400).

For permit 1144: Office of Protected Resources, Endangered Species Division, F/PR3, 1315 East-West Highway, Silver Spring, MD 20910 (301-713-1401).

All documents may also be reviewed by appointment in the Office of Protected Resources, F/PR3, NMFS, 1315 East-West Highway, Silver Spring, MD 20910-3226 (301-713-1401).

FOR FURTHER INFORMATION CONTACT:

For permit 1144: Terri Jordan, Silver Spring, MD (301-713-1401).

For permits 998, 1094, 1136: Leslie Schaeffer, Portland, OR (503-230-5433).

For permits 899, 901, 902, 903: Robert Koch, Portland, OR (503-230-5424).

For permits 1122, 1141, 1173: Tom Lichatowich, Portland, OR (503-230-5438).

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531-1543) (ESA), is based on a finding that such permits/modifications: (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 and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 217-227).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such 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 NMFS.

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice:

Sea Turtles

Green turtle (*Chelonia mydas*), Loggerhead turtle (*Caretta caretta*).

Fish

Chinook salmon (*Oncorhynchus tshawytscha*): Snake River (SnR) fall,

SnR spring/summer, upper Columbia River (UCR) spring.

Coho salmon (*Oncorhynchus kisutch*): Southern Oregon/Northern California Coast (SONCC).

Cutthroat trout (*Oncorhynchus clarki*): Umpqua River (UmR).

Sockeye salmon (*Oncorhynchus nerka*): SnR.

Steelhead trout (*Oncorhynchus mykiss*): UCR.

Modification Requests Received

WDFW requests a modification to scientific research/enhancement permit 1094. Permit 1094 authorizes WDFW an annual take of adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with a hatchery supplementation program in the mid- to upper Columbia River Basin. Incidental takes of ESA-listed species resulting from WDFW hatchery operations and hatchery produced fish releases are also authorized by the permit. WDFW believes the artificial propagation of ESA-listed steelhead will benefit the species by enhancing the population, which is not currently able to naturally replace itself. For the modification, WDFW requests an increase in the annual take of adult, endangered, naturally produced and artificially propagated, UCR steelhead associated with scientific research designed to determine if hatchery fish survival is increased with the incorporation of wild brood stock at Wells Hatchery. Adult, endangered, naturally produced and artificially propagated, UCR steelhead are proposed to be captured, examined for marks, and released. ESA-listed adult fish indirect mortalities are also requested. The modification is requested to be valid for the duration of the permit, which expires on May 31, 2003.

BDP possesses a 1-year permit (1144) to sample for and collect green and loggerhead sea turtles in the Ft. Pierce Inlet for the purposes of stock assessment to characterize the sea turtles that utilize the southern Indian River Lagoon System, Florida. Captured turtles will be weighed, photographed, measured, tagged, and released. BDP is requesting an increase in the authorized take of green sea turtles from 75 to 100 animals. This increase in take is necessitated by the collection of more green turtles than expected during the previous permit period.

On April 26, 1999, notice was published (64 FR 20266) that NMFS had received a modification request for permit 1136. Permit 1136 authorizes OCFWRU annual direct takes of juvenile, endangered, SnR sockeye

salmon; juvenile, threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; juvenile, threatened, SnR fall chinook salmon; and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with research designed to compare biological and physiological indices of wild and hatchery fish exposed to stress from bypass, collection, and transportation activities at dams on the Snake and Columbia Rivers in the Pacific Northwest. For the modification, OCFWRU is requesting annual takes of juvenile, endangered, naturally produced and artificially propagated, UCR spring chinook salmon associated with the research. NMFS has received an amended modification request seeking an increase in the annual take of juvenile, threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon and juvenile, endangered, naturally produced, UCR steelhead associated with the research. The additional take is requested because annual take estimates were not recalculated using the expected increased abundance of some species in 1999. The modification is requested to be valid for the duration of the permit, which expires on December 31, 2000.

Permits and Modifications Issued

Notice was published on June 10, 1998 (63 FR 31739), that an application had been filed by ODFW for a modification to incidental take permit 899. Permit 899 authorizes ODFW annual incidental takes of endangered SnR sockeye salmon; threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; and threatened SnR fall chinook salmon associated with the operation of and releases from the non-listed anadromous fish hatchery programs in the state of Oregon. Modification 1 to permit 899 was issued on April 8, 1999, and authorizes annual incidental takes of endangered, naturally produced and artificially propagated, UCR steelhead associated with the operation of and releases from the non-listed anadromous fish hatchery programs. Modification 1 is valid for the duration of the permit, which expires on December 31, 1999.

Notice was published on October 15, 1997 (62 FR 53596), that an application had been filed by WDFW for modifications to incidental take permit 901. Permit 901 authorizes WDFW annual incidental takes of endangered SnR sockeye salmon; threatened, naturally produced and artificially propagated, SnR spring/summer

chinook salmon; and threatened SnR fall chinook salmon associated with the operation of and releases from the non-listed anadromous fish hatchery programs in the state of Washington. Modification 1 to permit 901 was issued on April 8, 1999, and authorizes annual incidental takes of endangered, naturally produced and artificially propagated, UCR steelhead associated with the operation of and releases from the non-listed anadromous fish hatchery programs. The modification is valid for the duration of the permit, which expires on December 31, 1999.

Notice was published on June 10, 1998 (63 FR 31739), that an application had been filed by WDFW for modifications to incidental take permit 902. Permit 902 authorizes WDFW annual incidental takes of endangered SnR sockeye salmon; threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; and threatened SnR fall chinook salmon associated with the operation of and releases from the non-listed anadromous fish hatchery programs in the state of Washington. Modification 1 to permit 902 was issued to WDFW on April 8, 1999, and authorizes annual incidental takes of endangered, naturally produced and artificially propagated, UCR steelhead associated with the operation of and releases from the non-listed anadromous fish hatchery programs. The modification is valid for the duration of the permit, which expires on December 31, 1999.

Notice was published on June 10, 1998 (63 FR 31739), that an application had been filed by IDFG for modifications to incidental take permit 903. Permit 903 authorizes IDFG annual incidental takes of endangered SnR sockeye salmon; threatened, naturally produced and artificially propagated, SnR spring/summer chinook salmon; and threatened SnR fall chinook salmon associated with the operation of and releases from the non-listed anadromous fish hatchery programs in the state of Idaho. Modification 1 to permit 903 was issued to IDFG on April 8, 1999, and authorizes annual incidental takes of endangered, naturally produced and artificially propagated, UCR steelhead associated with the operation of and releases from the non-listed anadromous fish hatchery programs. Modification 1 is valid for the duration of the permit, which expires on December 31, 1999.

Notice was published on February 11, 1999 (64 FR 6880), that an application had been filed by the SBT for modifications to scientific research permit 998. Permit 998 authorizes the SBT annual direct takes of juvenile,

endangered, SnR sockeye salmon and juvenile, threatened, naturally produced, SnR spring/summer chinook salmon associated with a study designed to evaluate smolt outmigration from Pettit and Alturas Lakes in ID. Modification 2 to permit 998 was issued to the SBT on April 28, 1999, and authorizes an increase in the annual direct take of juvenile, endangered, SnR sockeye salmon associated with a mark/recapture study. An associated increase in juvenile sockeye salmon indirect mortalities is also authorized. Modification 2 is valid for the duration of the permit, which expires on December 31, 2000.

Notice was published on March 6, 1998 (63 FR 11220), and December 21, 1998 (63 FR 70393), that BLM had applied for a scientific research permit. Permit 1122 was issued on April 30, 1999, authorizing take of listed species. Permit 1122 expires December 31, 2002, and authorizes annual direct takes of adult and juvenile, endangered, UmR cutthroat trout and juvenile, threatened, SONCC coho salmon associated with scientific research. The purpose of the research is to determine the sub-basin contributions to the migratory population of UmR cutthroat trout and to determine the survival and abundance of juvenile SONCC coho salmon. This information will benefit wild populations by identifying important habitat areas where restoration efforts have had the most beneficial impact. BLM will use screw traps to estimate fish abundance in selected sub-basins and will apply radiotransmitters to juvenile UmR cutthroat trout in tributaries of the UmR. The U.S. Forest Service of Tiller, OR (USFS) is authorized to act as an agent of BLM and participate in the research activities. ODFW is authorized to act as an agent to receive and store UmR cutthroat trout and SONCC coho salmon indirect mortalities recovered by BLM and USFS.

Notice was published on March 25, 1999 (64 FR 14432), that an application had been filed by PUD GC for modifications to permit 1141. Permit 1141 authorizes annual direct takes of adult and juvenile, endangered, naturally produced and artificially propagated, UCR steelhead associated with a fish salvage operation and two scientific research studies at Wanapum and Priest Rapids Dams located on the Columbia River. Modification 1 to permit 1141 was issued on May 5, 1999, and authorizes annual takes of adult and juvenile UCR spring chinook salmon associated with PUD GC's previous activities. Modification 1 also authorizes takes of adult and juvenile, endangered,

naturally produced and artificially propagated, UCR steelhead and adult and juvenile UCR spring chinook salmon associated with two additional research studies. Modification 1 is valid for the duration of the permit, which expires on December 31, 2002.

Notice was published on August 3, 1998 (63 FR 41230), that ODFW had applied for a scientific research permit. Permit 1173 was issued on April 30, 1999, and authorizes annual direct takes of adult and juvenile, endangered, UmR cutthroat trout associated with a broad-base sampling program. ESA-listed fish will be captured, examined, marked, and released. Traps, electrofishing, and hook/line techniques will be used to capture the fish. Fin clips as well as passive integrated transponders (PIT) will be used to mark and monitor their migrations. Fish will also be observed by snorkeling and routine stream surveys. Data will be used to expand current knowledge about cutthroat trout distribution, migration patterns and population densities. Permit 1173 expires on December 31, 2003.

Dated: May 7, 1999.

Margaret Lorenz,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 043099A]

Marine Mammals; File No. 731-1509-00

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

ACTION: Receipt of application.

SUMMARY: Notice is hereby given that Robin W. Baird, Ph.D., C201-2747 S. Kihei Road, Kihei, Hawaii 96753, has applied in due form for a permit to take several species of marine mammals for purposes of scientific research.

DATES: Written or telefaxed comments must be received on or before June 14, 1999.

Written comments or requests for a public hearing on this application should be mailed to the Chief, Permits and Documentation 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. Please note that comments will not be accepted by e-mail or by other electronic media.

FOR FURTHER INFORMATION CONTACT: Jeannie Drevenak, 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.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR 222.23).

The applicant is requesting to harass the species of cetaceans listed here during the course of photo-identification, behavioral research, and tagging (using suction-cup attached tags) of several species of cetaceans in U.S. waters of the Pacific Ocean (including Hawaii, California, Oregon, Washington, and Alaska) as well as international waters (particularly the Mediterranean). Incidental harassment of all species of cetaceans may occur through vessel approach, photographic identification and behavioral research. The research will be carried out over a 5-year period. The research will focus primarily on diving and night-time behavior, as well as population estimation, social organization and inter-specific interactions.

The following species may be taken by harassment during the course of the research: Northern right whale (*Eubalaena glacialis*), Minke whale (*Balaenoptera acutorostrata*), Sei whale (*Balaenoptera borealis*), Bryde's whale (*Balaenoptera edeni*), Blue whale (*Balaenoptera musculus*), Finback whale (*Balaenoptera physalus*), Humpback whale (*Megaptera novaeangliae*), Gray whale (*Eschrichtius robustus*), Short-beaked common dolphin (*Delphinus delphis*), Long-beaked common dolphin (*Delphinus capensis*), Pygmy killer whale (*Feresa attenuata*), Short-finned pilot whale (*Globicephala macrorhynchus*), Risso's dolphin (*Grampus griseus*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), Northern right whale dolphin (*Lissodelphis borealis*), Killer whale (*Orcinus orca*), Melon-headed

whale (*Peponocephala electra*), False killer whale (*Pseudorca crassidens*), Pantropical spotted dolphin (*Stenella attenuata*), Striped dolphin (*Stenella coeruleoalba*), Spinner dolphin (*Stenella longirostris*), Rough-toothed dolphin (*Steno bredanensis*), Bottlenose dolphin (*Tursiops truncatus*), Harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), Pygmy sperm whale (*Kogia breviceps*), Dwarf sperm whale (*Kogia simus*), Sperm whale (*Physeter macrocephalus*), Baird's beaked whale (*Berardius bairdii*), Bottlenose whale (*Hyperoodon sp.*), Hubbs' beaked whale (*Mesoplodon carlhubbsi*), Blainville's beaked whale (*Mesoplodon densirostris*), Ginkgo-toothed whale (*Mesoplodon ginkgodens*), Hector's beaked whale (*Mesoplodon hectori*), Stejneger's beaked whale (*Mesoplodon stejnegeri*), Cuvier's beaked whale (*Ziphius cavirostris*).

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

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.

Documents may be reviewed in the following locations:

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13130, Silver Spring, MD 20910 (301/713-2289);

Regional Administrator, Northwest Region, NMFS, 7600 Sand Point Way, NE, BIN C15700, Bldg. 1, Seattle, WA 98115-0070 (206/526-6426);

Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802-4213 (562/980-4027);

Protected Species Program Manager, Pacific Islands Area Office, NMFS, 2570 Dole Street, Room 106, Honolulu, HI 96822-2941 (808/973-2987); and

Regional Administrator, Alaska Region, NMFS, 709 W. 9th Street, Federal Building, Room 461, P.O. Box 21668, Juneau, AK 99802 (907/586-7235).