

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

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Summer Flounder Monitoring Committee, Scup Monitoring Committee, Black Sea Bass Monitoring Committee, and the Mid-Atlantic Fishery Council's and the Atlantic States Marine Fisheries Commission's Summer Flounder, Scup, and Black Sea Bass Advisors will hold public meetings.

DATES: The meetings will be held on Thursday, November 15, 2007 beginning at 10 a.m. with the Monitoring Committees. The Advisory Panels will begin meeting at 2 p.m. See

SUPPLEMENTARY INFORMATION for meeting agenda.

ADDRESSES: The meetings will be held at the Renaissance Philadelphia Airport, 500 Stevens Drive, Philadelphia, PA 19113, telephone: (610) 521-5900.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904; telephone: (302) 674-2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 674-2331, extension 19.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to recommend the 2008 recreational management measures for the summer flounder, scup, and black sea bass fisheries.

Although non-emergency issues not contained in this agenda may come before these groups for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to M. Jan Saunders, (302) 674-2331 extension 18, at the Council Office at least 5 days prior to the meeting date.

Dated: October 24, 2007.

Tracey L. Thompson,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC98

Vessel Monitoring Systems; Approval of Mobile Transceiver Unit

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

ACTION: Notice.

SUMMARY: This document provides notice of the type-approval of the Faria WatchDog 750VMS for use in the Northwestern Hawaiian Islands Marine National Monument.

ADDRESSES: To obtain copies of the list of NOAA-approved Vessel Monitoring Systems (VMS) Mobile Transceiver Unit and VMS Mobile Communications Service Providers, or to obtain information regarding the status of VMS systems being evaluated by NOAA, write to the VMS Support Center, NOAA Fisheries Service, Office for Law Enforcement (OLE), 8484 Georgia Avenue, Suite 415, Silver Spring, MD 20910; or call toll free 888-219-9228.

FOR FURTHER INFORMATION CONTACT: For questions regarding the status of VMS evaluations contact Jonathan Pinkerton, National VMS Program Manager by phone: 301-427-2300 or by fax: 301-427-2055.

SUPPLEMENTARY INFORMATION: The WatchDog 750VMS manufactured and sold by Faria WatchDog, Inc. has satisfied the requirements for type-approval for use in the Northwestern Hawaiian Islands Marine National Monument.

Faria WatchDog 750VMS

The transceiver consists of an integrated dual mode GPS/GSM/GPRS/Iridium Satellite Communicator mounted in the wheelhouse or on a console and antennas mounted atop the vessel. The MTU also includes a 7 inch color touch screen display that enables vessel operators to send and receive e-mail and electronic forms. The unit is pre-configured and tested for NOAA Fisheries Service VMS operations. Authorized dealers who are listed at <http://www.vmstracking.com> provide satellite commissioning services.

Automatic GPS position reporting starts after transceiver installation and power activation onboard the vessel. The unit is a car radio sized transceiver powered by any 9 to 16 VDC power supply. The unit can be factory configured for automatic reduced position transmissions when the vessel is stationary (i.e., in port) which allows for port stays in a reduced power state and without the need for unit shut down. The unit restarts normal position transmission automatically when the vessel goes to sea.

The unit has an omni-directional Iridium, GPS, and GSM/GPRS antennas, providing operation from 5 degrees above or below the horizon anywhere on earth. The GSM/GPRS capability gives the system the additional ability to communicate through the AT&T wireless network where available. Iridium only units are permitted for use in the Northwestern Hawaiian Islands Marine National Monument.

A configuration option is available to automatically send daily status reports to a private e-mail address. A 2 inch user interface is included with this system that displays if the MTU is operating properly and can send emergency notification messages to up to four e-mail addresses and/or telephone numbers. A complete list of options is available from the VMS provider.

A vessel owner may purchase the Faria Watchdog 750VMS and the Iridium/GSM communications service by contacting a Faria Watchdog Inc., authorized reseller. Reseller information can be found on the internet at www.vmstracking.com. Alternatively vessel owners may contact, Faria WatchDog Inc., 385 Norwich-New London Turnpike, Uncasville, CT 06382, 1-877-888-5569, 860 848 2704 fax, information@fariawatchdog.com e-mail. The owner should identify himself or herself as a vessel owner and identify which VMS required fishery they wish to participate in.

Dated: October 22, 2007.

William T. Hogarth,

Assistant Administrator for Fisheries, National Marine Fisheries Service.

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