

permit is valid for five years from the date of issuance.

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

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Documents may be reviewed in the following locations:

Permits and Conservation Division,
Office of Protected Resources, NMFS,
1315 East-West Highway, Room
13705, Silver Spring, MD 20910;
phone (301) 427-8401; fax (301) 713-0376;

Alaska Region, NMFS, P.O. Box 21668,
Juneau, AK 99802-1668; phone (907)
586-7221; fax (907) 586-7249;

Southwest Region, NMFS, 501 West
Ocean Blvd., Suite 4200, Long Beach,
CA 90802-4213; phone (562) 980-4001; fax (562) 980-4018;

Pacific Islands Region, NMFS, 1601
Kapiolani Blvd., Rm 1110, Honolulu,
HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941;

Greater Atlantic Region, NMFS, 55 Great
Republic Drive, Gloucester, MA
01930; phone (978) 281-9328; fax
(978) 281-9394; and

Southeast Region, NMFS, 263 13th
Avenue South, Saint Petersburg, FL
33701; phone (727) 824-5312; fax
(727) 824-5309.

Dated: March 27, 2014.

Tammy C. Adams,

*Acting Chief, Permits and Conservation
Division, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XX47

Marine Mammals; File No. 14097

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that National Marine Fisheries Service, Southwest Fisheries Science Center (SWFSC) (Responsible Party: Lisa Ballance, Ph.D.), Protected Resources Division, 8901 La Jolla Shores Drive, La Jolla, CA 92037, has applied for two amendments to Scientific Research Permit No. 14097-03.

DATES: Written, telefaxed, or email comments must be received on or before May 2, 2014.

ADDRESSES: The applications and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 14097, Modification #24 or #25 from the list of available applications.

These documents are also available upon written request or by appointment in the following offices: See

SUPPLEMENTARY INFORMATION.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed below. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT:

Kristy Beard or Amy Hapeman,
(301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject amendments to Permit No. 14097-03 are requested under the authority of the Marine Mammal Protection Act of 1972, as amended (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 (16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Permit No. 14097, issued on July 7, 2010, (75 FR 40776), authorizes the SWFSC to conduct scientific research on 5 pinniped species, 57 cetacean species, and 5 sea turtle species in U.S. territorial and international waters of the Pacific, Southern, Indian, and Arctic Oceans for three projects. Under Project I (Pinnipeds) population assessments are conducted of northern elephant

seals (*Mirounga angustirostris*), California sea lions (*Zalophus californianus*), Steller sea lions (*Eumetopias jubatus*), and harbor seals (*Phoca vitulina*) via aerial photography, ground or vessel surveys, and photogrammetry to determine abundance, distribution patterns, length frequencies, and breeding densities. Scats and spewings are collected from California sea lions to determine their diet. Under Project II (Cetaceans) surveys are conducted to determine the abundance, distribution, movement patterns, and stock structure of cetaceans. These studies are conducted through vessel surveys, aerial surveys, small plane photogrammetry, photo-identification (from vessels and small boats), biological sampling, radio tagging, and satellite tagging. Under Project III (Sea Turtles) surveys are conducted to determine the abundance, distribution, movement patterns, stock structure, and diet of sea turtles. Sea turtles may be opportunistically captured during Project II surveys for biological sampling and to attach satellite tags. Cetacean, pinniped, and sea turtle biological samples may be imported/exported. The permit was amended (to version no. 14097-01) on July 7, 2011, to authorize use of less invasive suction cup tags instead of a portion of the authorized dart/barb tag takes. The permit was amended (to version no. 14097-02) on September 6, 2012, to authorize (1) the attachment of dart/barb tags or implantable tags on Arnoux's beaked whales (*Berardius arnuxii*) in the Southern Ocean; and (2) an increase in the takes of pinniped species encountered during aerial, ground, and vessel surveys in the Pacific Ocean, to account for ten additional surveys per year. The permit was amended (to version no. 14097-03) on September 13, 2013, to (1) authorize the development of cell lines; and (2) add individuals as authorized recipients of sea turtle samples. Permit No. 14097 has also had numerous modification requests to add personnel, making these requests numbers 24 and 25.

In Modification #24, the SWFSC is requesting the permit be amended to include authorization to (1) use an unmanned aerial system to photograph cetaceans and collect breath samples from gray whales (*Eschrichtius robustus*); (2) suction cup tag gray whales; (3) attach dart/barb tags to 15 bottlenose (*Tursiops truncatus*) and 15 Risso's dolphins (*Grampus griseus*) per year. Except for the requested bottlenose and Risso's dolphins, the number of cetaceans that would be taken annually would not change from what is

currently authorized. In Modification #25, the SWFSC is requesting the permit be amended to authorize multiple biopsy samples of humpback whales (*Megaptera novaeangliae*) in the Southern Ocean to determine if the stable isotope signature is different on different parts of the body. Specifically, they request to biopsy up to 25 humpback whales no more than 5 times each in a 12-month period. No more than three samples would be collected within 24 hours. The number of humpback whales that would be taken annually would not change from what is currently authorized. The expiration date of the permit would also be extended by 12 months, to June 30, 2016.

A draft supplemental environmental assessment (SEA) was prepared in compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), to examine whether significant environmental impacts could result from issuance of either proposed amendment to the scientific research permit. Based on the analyses in the draft SEA, NMFS determined that issuance of the permit amendments would not significantly impact the quality of the human environment and that preparation of an environmental impact statement was not required. The draft SEA is available upon request. The EA prepared for the original permit resulted in a Finding of No Significant Impact (FONSI), signed on July 1, 2010. That EA and FONSI are also available upon request.

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 Conservation Division,
Office of Protected Resources, NMFS,
1315 East-West Highway, Room
13705, Silver Spring, MD 20910;
phone (301)427-8401; fax (301)713-0376;

Northwest Region, NMFS, 7600 Sand
Point Way NE., BIN C15700, Bldg. 1,
Seattle, WA 98115-0700; phone
(206)526-6150; fax (206)526-6426;

Alaska Region, NMFS, P.O. Box 21668,
Juneau, AK 99802-1668; phone
(907)586-7221; fax (907)586-7249;

Southwest Region, NMFS, 501 West
Ocean Blvd., Suite 4200, Long Beach,
CA 90802-4213; phone (562)980-4001; fax (562)980-4018; and

Pacific Islands Region, NMFS, 1601
Kapiolani Blvd., Rm 1110, Honolulu,
HI 96814-4700; phone (808)944-2200; fax (808)973-2941.

Dated: March 28, 2014.

Tammy C. Adams,

*Acting Chief, Permits and Conservation
Division, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XD203

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to U.S. Air Force Launches, Aircraft and Helicopter Operations, and Harbor Activities Related To Launch Vehicles From Vandenberg Air Force Base (VAFB), California

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

ACTION: Notice of issuance of a Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the U.S. Air Force (USAF) to take marine mammals, by harassment, incidental to launches, aircraft and helicopter operations from VAFB launch complexes and *Delta Mariner* operations, cargo unloading activities, and harbor maintenance dredging in support of the Delta IV/Evolved Expendable Launch Vehicle (EELV) launch activity on south VAFB.

DATES: Effective from March 26, 2014, through March 26, 2019.

ADDRESSES: The LOA and supporting documentation may be obtained by writing to Jolie Harrison, Supervisor, Incidental Take Program, Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East West Highway, Silver Spring, MD 20910, calling the contact listed under **FOR FURTHER INFORMATION CONTACT**, or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours at the above address.

FOR FURTHER INFORMATION CONTACT: Candace Nachman, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional taking of small numbers 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. Under the MMPA, the term “take” means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture, or kill any marine mammal.

Authorization for incidental takings 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 certain subsistence uses, and that the permissible methods of taking and requirements pertaining to the mitigation, 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.”

The National Defense Authorization Act of 2004 (NDAA) (Pub. L. 108-136) removed the “small numbers” and “specified geographical region” limitations and amended the definition of “harassment” as it applies to a “military readiness activity” to read as follows (Section 3(18)(B) of the MMPA): “(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].” Because the USAF’s activities constitute military readiness activities, they are not subject to the small numbers or specified geographic region limitations.

Regulations governing the take of five species of marine mammals, by Level B harassment, incidental to launches, aircraft and helicopter operations, and harbor activities related to vehicles from VAFB were issued on February 24, 2014 (79 FR 10016). These regulations are effective from March 26, 2014, through March 26, 2019. The species which are