

[protectedresources/stellers/recovery.htm](#).

Several important issues were highlighted by the comments received and were addressed in the Final Revised Plan. The comments almost exclusively addressed the western DPS. The principal changes made by NMFS in response to comments included expansion of the discussion and a change to the rating of the killer whale threat, and modification of the nutritional stress discussion. Other, more minor changes were also made.

The Team had originally labeled the killer whale threat, along with fisheries and environmental variability, as "potentially high." NMFS reclassified that threat to "medium" in the May 2007 draft plan based on new scientific evidence that had not been available when the Team developed their assessment. However, due to continuing controversy on the role that killer whales play in the recovery of Steller sea lions, the uncertainty associated with some of the data, and the need to take a precautionary approach, NMFS has reinstated the "potentially high" designation for the killer whale threat.

Comments were received on the nutritional stress section of the May 2007 Plan. NMFS has more fully explained some of the theories and the data on the role of nutritional stress in the recovery of Steller sea lions in the Final Revised Plan.

Overview

The Final Revised Plan contains: (1) a comprehensive review of Steller sea lion ecology, (2) a review of previous conservation actions, (3) a threats assessment, (4) biological and recovery criteria for downlisting and delisting, (4) actions necessary for the recovery of the species, and (5) estimates of time and costs for recovery.

The threats assessment concludes that the following threats to the western DPS are relatively minor: Alaska Native subsistence harvest, illegal shooting, entanglement in marine debris, disease, and disturbance from vessel traffic and scientific research. Although much has been learned about Steller sea lions and the North Pacific ecosystem, considerable uncertainty remains about the magnitude and likelihood of the following potential threats (relative impacts in parentheses): competition with fisheries (potentially high), environmental variability (potentially high), killer whale predation (potentially high), incidental take by fisheries (low), and toxic substances (medium). In contrast, no threats were identified for the eastern DPS. Although several factors that affect the western

DPS also affect the eastern DPS (e.g., environmental variability, killer whale predation, toxic substances, disturbance), these threats do not appear to be limiting recovery of the population at this time.

The Final Revised Plan identifies an array of substantive actions that will foster recovery of the western DPS by addressing the broad range of threats. It highlights three actions (detailed below) that are especially important to the recovery program for the western DPS:

1. *Maintain current or equivalent fishery conservation measures:* After a long-term decline, the western DPS appears to be stabilizing. The first slowing of the decline began in the 1990s, which suggests that management measures implemented in the early 1990s may have been effective in reducing anthropogenic effects (e.g., shooting, harassment, and incidental take). The apparent population stability observed from 2000 to 2004 (surveys were conducted in 2006 and 2007 but were incomplete) appeared to be associated with comprehensive fishery management measures implemented since the late 1990s. Therefore, the current or equivalent suite of management actions (or, more specifically, the equivalent protection as afforded by the current management measures) should be maintained until substantive evidence demonstrates that these measures can be altered without inhibiting recovery.

2. *Design and implement an adaptive management program to evaluate fishery conservation measures:* A scientifically rigorous adaptive management program should be developed and implemented. A well-designed adaptive management plan has the potential to assess the relative impact of commercial fisheries on Steller sea lions and distinguish the impacts of fisheries from other threats (including killer whale predation). This program will require a robust experimental design with replication at appropriate temporal and spatial scales. It will be a challenge to construct an adaptive management plan that is statistically sound, meets the requirements of the ESA and can be implemented in a practicable manner.

3. *Continue population monitoring and research on the key threats potentially impeding sea lion recovery:* Estimates of population abundance and trends, spatial distribution, health, and essential habitat characteristics are fundamental to Steller sea lion management and recovery. Current knowledge of the effects of primary threats on these parameters is insufficient to determine their relative

impacts on species recovery. Focused research is needed to assess the effects of threats on sea lion population dynamics and identify suitable mitigation measures.

Criteria for reclassification of the eastern DPS and western DPS of Steller sea lion are included in the Final Revised Plan (see above).

Time and costs for recovery actions for the western DPS are estimated at \$93,840,000 for the first 5 fiscal years and \$430,425,000 for full recovery. The recovery program for the eastern DPS will cost an estimated \$150,000 for the first year and \$1,050,000 total, including 10 years of post-delisting monitoring.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: February 28, 2008.

Angela Somma,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XF98

Endangered Species; File No. 1614

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

ACTION: Issuance of permit.

SUMMARY: Notice is hereby given that the NOAA Fisheries Northeast Region, Protected Resources Division [Responsible Party: Mary Colligan], One Blackburn Drive, Gloucester, MA 01930, has been issued a permit to take dead shortnose sturgeon for purposes of scientific research.

ADDRESSES: The permit and related documents are available for review upon written request or by appointment in the following offices:

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 713-2289; fax (301) 713-0376; and Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978) 281-9300; fax (978) 281-9394.

FOR FURTHER INFORMATION CONTACT: Brandy Belmas or Jennifer Skidmore, (301) 713-2289.

SUPPLEMENTARY INFORMATION: On September 26, 2007, notice was published in the **Federal Register** (72

FR 54643) that a request for a scientific research permit to take dead shortnose sturgeon had been submitted by the above-named organization. The requested permit has been issued under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

This research permit authorizes the collection, receipt and transport of 100 dead shortnose sturgeon, or parts thereof, annually. Researchers would also be authorized the receipt and transport of 50 captive bred, dead shortnose sturgeon annually from any U.S. facility authorized to hold captive sturgeon. In the case of an unusual mortality event, takes may be increased from 100 up to 1,000 animals with written approval from the Director, Office of Protected Resources. This permit does not authorize the harassment or take of any protected species (including live shortnose sturgeon). This permit authorizes the conduct of the aforementioned research over a period of five years.

Issuance of this permit, as required by the ESA, 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 or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: February 28, 2008.

P. Michael Payne,

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

[FR Doc. E8–4260 Filed 3–4–08; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XF15

Incidental Takes of Marine Mammals During Specified Activities; Marine Geophysical Surveys in the Eastern Tropical Pacific Ocean in 2007

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

ACTION: Notice; proposed incidental take authorization; request for comments.

SUMMARY: NMFS has received an application from the Lamont-Doherty Earth Observatory (L-DEO) for an Incidental Harassment Authorization

(IHA) to take small numbers of marine mammals, by harassment, incidental to conducting two marine seismic surveys in the Eastern Tropical Pacific Ocean (ETP) during 2008. Under the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposed IHA for these activities.

DATES: Comments and information must be received no later than April 4, 2008.

ADDRESSES: Comments on the application should be addressed to P. Michael Payne, Chief, Permits, Conservation and Education Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing e-mail comments is PR1.0648–XF15@noaa.gov. NMFS is not responsible for e-mail comments sent to addresses other than the one provided here. Comments sent via e-mail, including all attachments, must not exceed a 10-megabyte file size.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.

Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT:

Shane Guan, Office of Protected Resources, NMFS, (301) 713–2289, ext 137.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct 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.

Authorization shall 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 if the permissible methods of taking and requirements pertaining to the mitigation, monitoring

and reporting of such takings 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.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Except with respect to certain activities not pertinent here, the MMPA defines “harassment” as:

Any act of pursuit, torment, or annoyance which (i) has the potential to injure a marine mammal or marine mammal stock in the wild [Level A harassment]; or (ii) 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 [Level B harassment].

Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment 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

L-DEO submitted to NMFS an application from L-DEO for the taking, by Level B harassment, of several species of marine mammals incidental to conducting, with research funding from the National Science Foundation (NSF), two marine seismic surveys in the ETP. This project would be conducted with L-DEO’s new seismic vessel, the *R/V Marcus G. Langseth* (*Langseth*), which would deploy different configurations of airguns and a different bottom-mapping sonar than used previously by L-DEO. The first survey was planned to be approximately 39 days between September and October 2007, and the second one approximately 6 days in between November and December 2007. However, due to scheduling issues with the vessel, the 39-day survey is rescheduled to June and August 2008, and the 6-day survey to April and May 2008.

Description of the Specified Activity

The April–May 6-day survey would examine two important types of seismic behavior of the Quebrada, Discovery, and Gofar fault systems (QDG) to