marbled murrelet (Brachyramphus marmoratus) and Oregon Coast coho salmon (*Oncorhynchus kisutch*). As a result, ODF prepared a new, 50–year Plan, based on the revised FMP that would address incidental take of all these listed species, as well as 15 unlisted species (covered species). This new Plan forms the basis of ODF's current Permit applications, and is the proposed action in the Services' DEIS.

The Permit application ODF submitted to the FWS addresses the potential take of northern spotted owl and marbled murrelet, which are listed as threatened under the ESA. Unlisted species under FWS's jurisdiction included in ODF's application, and which would receive incidental take allowance should they be listed during the term of the Plan, are the bald eagle (*Haliaeetus leucocephalus*), northern goshawk (*Accipiter gentilis*), olive-sided flycatcher (*Contopus borealis*), western bluebird (*Sialia mexicana*), coastal cutthroat trout (*Oncorhynchus clarki clarki*), Pacific lamprey (*Lampetra tridentatus*), river lamprey (*Lampetra ayresi*), brook lamprey (*Lampetra richardsoni*), fisher (*Martes pennanti*), southern torrent salamander (*Rhyacotriton variegates*), red-legged frog (*Rana aurora*), and coastal tailed frog (*Ascaphus truei*). The fisher is currently a candidate for listing under the ESA.

The Permit application ODF submitted to the NMFS addresses the potential take of Oregon Coast coho salmon (*Oncorhynchus kisutch*), which is listed as threatened under the ESA. Unlisted species under NMFS's jurisdiction included in ODF's application, and which would receive incidental take allowance should they be listed during the term of the Plan, are Chinook salmon (*Oncorhynchus tshawytscha*), chum salmon (*Oncorhynchus keta*), and steelhead trout (*Oncorhynchus mykiss*).

Activities that ODF is proposing for Permit coverage include:

1. Mechanized timber harvest;
2. Forest product transportation;
3. Road and landing construction, use, maintenance, and abandonment;
4. Site preparation and tree planting (excluding use of herbicides);
5. Site Fertilization;
6. Silvicultural practices;
7. Fire suppression;
8. Aquatic habitat restoration;
9. Rock pit development; and
10. Other management activities, including vertebrate control and harvesting of minor forest products, and
11. Research and monitoring.

The Services formally initiated an environmental review of the project through publication of a Notice of Intent to prepare an Environmental Impact Statement in the **Federal Register** on May 9, 2005 (70 FR 24450). That notice also announced a public scoping period during which interested parties were invited to provide written comments expressing their issues or concerns relating to the proposal, and to attend public scoping meetings held in Roseburg, North Bend, and Salem, Oregon.

Based on public scoping comments, the Services prepared a DEIS to analyze the effects of alternatives on the human environment. Alternative 2 in the DEIS is described as implementation of ODF's Plan, FWS issuance of a Permit for northern spotted owl, marbled murrelet, and other unlisted species, and NMFS issuance of a Permit for Oregon Coast coho salmon, and other unlisted species, should they become listed during the term of the Plan. Two other alternatives are analyzed in the DEIS: Alternative 1, No-Action, under which ODF would continue operating under the existing FMP and incidental take permit for northern spotted owls only; and, Alternative 3, Increased Stream Buffers and Intensive Forestry, under which ODF would manage approximately one-half of the action area on a short rotation (40–50 years), and the remainder of the lands would be designated conservation areas around core areas and riparian buffer areas.

Note that at the time the Notice of Intent was published for this project (70 FR 24450), Oregon Coast coho salmon was proposed for ESA listing as a threatened species. The Notice of Intent indicated that ODF was expected to submit a Permit application to NMFS for incidental take of Oregon Coast coho salmon, and three unlisted fish species under NMFS' jurisdiction, should they become listed in the future. NMFS has since determined that the Oregon Coast coho salmon does warrant listing as a threatened species (73 FR 7816).

This notice is provided pursuant to ESA and the National Environmental Policy Act of 1969, as amended. The Services will evaluate the applications, associated documents, and comments submitted thereon to determine whether the applications meet the requirements of the ESA and National Environmental Policy Act. The Services are particularly interested in comments pertaining to the application requirements under 50 CFR 17.22(b)(1). These include whether the Plan: provides complete descriptions of the activities under which the incidental taking of covered species is likely to occur; describes the impacts to covered species individuals that will likely result from the incidental taking; outlines the steps ODF will take to monitor, minimize, and mitigate such impacts for each covered species and the available funding to implement such steps over the term of the Permits; and, describes alternative actions to such taking and the reasons why such alternatives are not proposed to be utilized. As part of evaluating whether the permit issuance criteria are met, the Services specifically seek comment on whether the minimization and mitigation measures are being undertaken to the maximum extent practicable. In addition, the FWS is seeking comment on the assumptions regarding how suitable habitat is being defined for all the covered species, as well as assumptions about the development of those species habitat over time.

The Services will revise the DEIS in a Final Environmental Impact Statement (FEIS). The Services decision of whether to issue Permits will be made upon completion of the FEIS and the associated Record of Decision.

Dated: June 26, 2008.

David Patte,

Acting Regional Director, Fish and Wildlife Service, Region 1, Portland, Oregon.

Dated: August 13, 2008.

Angela Somma,

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

[FR Doc. E8–19575 Filed 8–21–08; 8:45 am]

BILLING CODES 4310–55–S, 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XJ77

Marine Mammals; File No. 774–1847–03

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

ACTION: Notice; issuance of permit amendment.

SUMMARY: Notice is hereby given that NMFS Southwest Fisheries Science Center, Antarctic Marine Living Resources Program (Rennie Holt, Ph.D., Principal Investigator), 8604 La Jolla Shores Drive, La Jolla, CA 92037 has been issued an amendment to Scientific Research Permit No. 774–1847–02.

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

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)427–2521; and

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

FOR FURTHER INFORMATION CONTACT: Kate Swails or Tammy Adams, (301)713–2289.

SUPPLEMENTARY INFORMATION: On June 2, 2008 notice was published in the **Federal Register** (73 FR 31436) that an amendment of Permit No. 774–1847–02 had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 774–1847–02, issued October 11, 2007 (72 FR 57914), authorizes the permit holder to continue a long-term ecosystem monitoring program of pinniped species in the South Shetland Islands, Antarctica. The permit holder is authorized to take up to 710 Antarctic fur seals (Arctophalus gazell) and 20 leopard seals (Hydrurga leptonyx) annually. The animals are captured, measured, weighed, tagged, blood sampled, and have time-depth recorders, VHF transmitters, and platform terminal transmitters attached. A subset of fur seals are given an enema, have a tooth extracted, milk sampled, and are part of a doubly-labeled water study on energetics. A subset of leopard seals are blubber and muscle sampled. Annual research-related mortality of up to eight Antarctic fur seals (3 adults and 5 pups) and two leopard seals is also authorized.

The amendment authorizes the permit holder to collect tissue samples from and bleach mark 50 leopard seals. Additional capture is not required to collect these samples. The amendment also authorizes the researchers to begin a southern elephant seal (Mirounga leonina) study. Up to 180 southern elephant seals would be captured, measured, and tagged annually. A subset would have blood and vibrissae collected, muscle/blubber biopsied, and satellite tags attached. The permit amendment authorizes up to four research-related mortalities (two adults and two juveniles) of southern elephant seals. The amendment is valid until September 30, 2011.

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.

Dated: August 14, 2008.

P. Michael Payne,

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

[FR Doc. E8–19577 Filed 8–21–08; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XJ68

Incidental Takes of Marine Mammals Incidental to Specified Activities; Harbor Activities Related to the Delta IV/Evolved Expendable Launch Vehicle at Vandenberg Air Force Base, CA

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

ACTION: Notice; issuance of incidental harassment authorization.

SUMMARY: In accordance with the provisions of the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to United Launch Alliance (ULA) to take small numbers of marine mammals, by Level B harassment only, incidental to harbor activities related to the Delta IV/Evolved Expendable Launch Vehicle (EELV) at south Vandenberg Air Force Base, CA (VAFB).

DATES: This authorization is effective from August 20, 2008 through August 19, 2009.

ADDRESSES: A copy of the IHA and the application are available by writing 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, or by telephoning the contact listed here. A copy of the application may be obtained by writing to this address, by telephoning the contact listed here (**FOR FURTHER INFORMATION CONTACT**) or online 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: Jeannine Cody or Candace Nachman, (301) 713–2289.

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 small numbers of marine mammals by United States 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, notice of a proposed authorization is provided to the public for review.

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 if 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.''

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 for certain categories of 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 small numbers of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

Summary of Request

On February 18, 2008, NMFS received an application from ULA requesting an