

landings is required by all Ho'omalū Zone permittees in order to maintain eligibility for renewing the permit for the next fishing year (i.e., 1998).

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: June 6, 1997.

**Rebecca Lent,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D. 052997A]

**Incidental Take of Marine Mammals; Bottlenose Dolphins and Spotted Dolphins**

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

**ACTION:** Notice of issuance of letters of authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) as amended, and implementing regulations, notification is hereby given that 1-year letters of authorization to take bottlenose and spotted dolphins incidental to oil and gas structure removal activities were issued on April 30, 1997, to the Apache Corporation, Houston, TX; on May 12, 1997, to Mariner Energy, Inc., and to SOCO Offshore, both of Houston, TX; on May 20, 1997, to Kerr-McGee Corporation, Lafayette, LA; and on May 29, 1997, to the Samedan Oil Corporation, and to the Newfield Exploration Company, both of Houston, TX.

**ADDRESSES:** The applications and letters are available for review in the following offices: Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910 and the Southeast Region, NMFS, 9721 Executive Center Drive N, St. Petersburg, FL 33702.

**FOR FURTHER INFORMATION CONTACT:** Kenneth R. Hollingshead, Office of Protected Resources, NMFS, (301) 713-2055 or Charles Oravetz, Southeast Region (813) 570-5312.

**SUPPLEMENTARY INFORMATION:** Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs NMFS to allow, on 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 "taking" means to harass, hunt, capture, or kill or to attempt to harass, hunt, capture or kill marine mammals.

Permission may be granted for periods up to 5 years if NMFS finds, after notification and opportunity for public comment, that the taking will have a negligible impact on the species or stock(s) of marine mammals and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses. In addition, NMFS must prescribe regulations that include permissible methods of taking and other means effecting the least practicable adverse impact on the species and its habitat, and on the availability of the species for subsistence uses, paying particular attention to rookeries, mating grounds, and areas of similar significance. The regulations must include requirements pertaining to the monitoring and reporting of such taking. Regulations governing the taking of bottlenose and spotted dolphins incidental to oil and gas structure removal activities in the Gulf of Mexico were published on October 12, 1995 (60 FR 53139), and remain in effect until November 13, 2000.

**Summary of Requests**

NMFS received requests for letters of authorization on April 22, 1997, from the Apache Corporation, 2000 Post Oak Boulevard, Houston, TX 77056; on April 29, 1997, from Mariner Energy, Inc., 580 WestLake Park Blvd., Houston, TX 77079; on May 9, 1997, from SOCO Offshore, 1221 Lamar, Houston, TX 77010; on May 19, 1997, from Kerr-McGee Corporation, P.O. Box 30400, Lafayette, LA 70593; on April 11, 1997, from Samedan Oil Corporation, 350 Glenborough, Houston, TX 77067-3229; and, on May 23, 1997, from Newfield Exploration Company, 363 N. Sam Houston Parkway E, Houston, TX 77060. These letters requested a take by harassment of a small number of bottlenose and spotted dolphins incidental to the described activity. Issuance of these letters of authorization are based on a finding that the total takings will have a negligible impact on the bottlenose and spotted dolphin stocks of the Gulf of Mexico.

Dated: June 6, 1997.

**Patricia A. Montanio,**

*Deputy Director, Office of Protected Resources, National Marine Fisheries Service.*

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

[I.D.052397C]

**Marine Mammals; Permit No. 1021 (P532C)**

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

**ACTION:** Scientific research permit amendment.

**SUMMARY:** Notice is hereby given that a request for amendment of scientific research permit no. 1021 submitted by Texas A&M University at Galveston, P.O. Box 1675, Galveston, TX 77551 (Principal Investigator: Dr. Randall W. Davis) has been granted.

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

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

Regional Administrator, Southeast Region, NMFS, 9721 Executive Center Drive North, St. Petersburg, FL 33702-2432.

**SUPPLEMENTARY INFORMATION:** On March 3, 1997, notice was published in the **Federal Register** (62 FR 9414) that an amendment of permit no. 1021 issued December 17, 1996 (61 FR 67998) 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.*), the provisions of § 216.39 of 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.*), and the provisions of § 222.25 of the regulations governing the taking, importing, and exporting of endangered fish and wildlife (50 CFR part 222.23).

In the original permit application, the applicant requested authority to conduct low frequency sound experiments on sperm whales in the Gulf of Mexico. The project was deferred pending completion of an environmental assessment (EA). The EA had a finding of no significant impact, therefore, the permit was amended to include this project. Additionally, the permit was amended to allow the take of up to 30 Weddell seals (*Leptonychotes weddellii*) per year for three years.