

will retain responsibility for ensuring compliance with all provisions of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), including compliance with section 7 for actions occurring on National Wildlife Refuge and National Park Service lands.

(5) *What take of wood bison is allowed in the NEP area?* In the following instances, wood bison may be taken in accordance with applicable State fish and wildlife conservation laws and regulations:

(i) Hunting will be an allowed take based on sustained yield principles as established by ADF&G.

(ii) A wood bison may be taken within the NEP area, provided that such take is not willful, knowing, or due to negligence, or is incidental to and not the purpose of the carrying out of an otherwise lawful activity, including but not limited to recreation (e.g., trapping, hiking, camping, or shooting activities); forestry; agriculture; oil and gas exploration and development and associated activities; construction and maintenance of roads or railroads, buildings, facilities, energy projects, pipelines, and transmission lines of any kind; mining; mineral exploration; travel by any means, including vehicles, watercraft, snow machines, or aircraft; tourism; and other activities that are in accordance with Federal, State, and local laws and regulations and specific authorizations. Such conduct is not considered intentional or “knowing take” for purposes of this regulation, and neither the Service nor the State will take legal action for such conduct. Any cases of “knowing take” will be referred to the appropriate authorities for prosecution.

(iii) Any person with a valid permit issued by the Service under 50 CFR 17.32 or by ADF&G may take wood bison for educational purposes, scientific purposes, the enhancement of propagation or survival of the species, zoological exhibition, and other conservation purposes consistent with the ESA. Additionally, any employee or agent of the Service or ADF&G designated for such purposes, acting in the course of official duties, may take a wood bison if such action is necessary:

(A) For scientific purposes;

(B) To relocate a wood bison to avoid conflict with human activities;

(C) To relocate a wood bison if necessary to protect the wood bison;

(D) To relocate wood bison within the NEP area to improve wood bison survival and recovery prospects or for genetic purposes;

(E) To relocate wood bison from one population in the NEP area into another, or into captivity;

(F) To relocate wood bison that have moved outside the NEP area back into the NEP area or remove them;

(G) To aid or euthanize a sick, injured, or orphaned wood bison;

(H) To dispose of a dead wood bison, or salvage a dead wood bison for scientific purposes; or

(I) To aid in law enforcement investigations involving wood bison.

(iv) Any person may take a wood bison in defense of the individual’s life or the life of another person. The Service, the State, or our designated agent(s) may also promptly remove any wood bison that the Service, the State, or our designated agent(s) determine to be a threat to human life or safety. Any such taking must be reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(v) In connection with otherwise lawful activities, including but not limited to the use and development of land, provided at paragraph (x)(5)(ii) of this section, the Federal Government, the State, municipalities of the State, other local governments, Native American Tribal Governments, and all landowners and their employees or authorized agents, tenants, or designees may harass wood bison in the areas defined in paragraph (x)(2)(i) of this section, provided that all such harassment is by methods that are not lethal or physically injurious to wood bison and is reported within 24 hours to the location identified in paragraph (x)(5)(vi) of this section.

(vi) Any taking pursuant to paragraph (x)(5)(ii) of this section must be reported within 14 days by contacting the Alaska Department of Fish and Game, 1300 College Road, Fairbanks, AK 99701; (907) 459-7206. ADF&G will determine the most appropriate course of action regarding any live or dead specimens.

(6) *What take of wood bison is not allowed in the NEP area?*

(i) Except as expressly allowed in paragraph (x)(5) of this section, all the provisions of 50 CFR 17.31(a) and (b) apply to the wood bison identified in paragraph (x)(1) of this section.

(ii) Any manner of take not described under paragraph (x)(5) of this section is prohibited in the NEP area.

(iii) A person may not possess, sell, deliver, carry, transport, ship, import, or export by any means whatsoever any of the identified wood bison, or parts thereof, that are taken or possessed in a manner not expressly allowed in paragraph (x)(5) of this section or in violation of the applicable State or local fish and wildlife laws or regulations or the ESA.

(iv) A person may not attempt to commit, solicit another to commit, or cause to be committed any take of wood

bison, except that take expressly allowed in paragraph (x)(5) of this section.

(7) *How will the effectiveness of the wood bison reintroduction be monitored?* ADF&G will monitor the population status of reintroduced bison herds at least annually and will document productivity, survival, and population size. The Service or other Federal agencies may also be involved in population monitoring, particularly where National Wildlife Refuge System or Bureau of Land Management lands are involved. Tribal governments or other organizations may also participate in population monitoring and other management activities. Depending on available resources, monitoring may occur more frequently, especially during the first few years of reestablishment efforts. This monitoring will be conducted primarily through aerial surveys and will be accomplished by State or Service employees, through cooperative efforts with local governments, or by contracting with other appropriate species experts.

(8) *What other provisions apply to this special rule?*

If any particular provision of this rule or the application of any particular provision to any entity or circumstance is held invalid, the remainder of this finding and rule and the application of such provisions to other entities or circumstances shall not be affected by such holding.

Dated: April 24, 2014.

**Rachel Jacobson,**

*Principal Deputy Assistant Secretary for Fish and Wildlife and Parks.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### 50 CFR Parts 216 and 218

RIN 0648-BC52

#### Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Hawaii-Southern California Training and Testing Study Area; Correction

**ACTION:** Final rule; correction.

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**SUMMARY:** This document contains corrections to the preamble to final regulations published on December 24, 2013, governing the take of marine mammals incidental to U.S. Navy (Navy) training and testing activities in

the Hawaii-Southern California Training and Testing (HSTT) Study Area. This action is necessary to correct an error in the description of total Level B harassment of Eastern North Pacific gray whales.

**DATES:** Effective on May 7, 2014.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, 301-427-8401.

**SUPPLEMENTARY INFORMATION:**

**Background**

A final rule published December 24, 2013 (78 FR 78106) for the take of

marine mammals incidental to the Navy's training and testing activities in the HSTT Study Area. This correction revises the description contained in the preamble of the number of Eastern North Pacific gray whales authorized to be taken by Level B harassment.

**Need for Correction**

As published, the preamble to the final regulations contains errors which may prove to be misleading and need to be clarified. These typos were correctly recorded in the regulatory text and do not change NMFS' analysis or

conclusions in the final rule. Revised Letters of Authorization have been issued to the Navy, eliminating the 10 authorized Level A takes (training) and 5 authorized Level A takes (testing) of Eastern North Pacific gray whales over a 5-year period. In addition, the revised Letter of Authorization for testing activities corrects the number of blue whale takes to "up to 428 per year" (previously 426).

1. On page 78143, in Table 18, the entry for Eastern North Pacific gray whales is corrected to read as follows:

**TABLE 18—SPECIES-SPECIFIC TAKE REQUEST AND AUTHORIZATION FROM MODELING ESTIMATES OF IMPULSIVE AND NON-IMPULSIVE SOURCE EFFECTS FOR ALL TRAINING ACTIVITIES**

Species	Stock	Annually <sup>1</sup>			Total over 5-year rule <sup>2</sup>		
		Level B	Level A	Mortality	Level B	Level A	Mortality
* Gray whale .....	* Eastern North Pacific .....	* 9,550	* 0	* 0	* 47,750	* 0	* 0
* .....	* .....	* .....	* .....	* .....	* .....	* .....	* .....

<sup>1</sup> These numbers constitute the total for an annual maximum year (a notional 12-month period when all annual and non-annual events could occur) in which a RIMPAC exercise and Civilian Port Defense events would occur in Hawaii and SOCAL.

<sup>2</sup> These numbers constitute the summation over a 5-year period with annual events occurring five times and non-annual events occurring three times.

2. On page 78145, in Table 20, the entry for Eastern North Pacific gray whales is corrected to read as follows:

**TABLE 20—SPECIES-SPECIFIC TAKES REQUESTED AND AUTHORIZED FROM MODELING ESTIMATES OF IMPULSIVE AND NON-IMPULSIVE SOURCE EFFECTS FOR ALL TESTING ACTIVITIES**

Species	Stock	Annually <sup>1</sup>			Total over 5-year rule <sup>2</sup>		
		Level B	Level A	Mortality	Level B	Level A	Mortality
* Gray whale .....	* Eastern North Pacific .....	* 2,568	* 0	* 0	* 12,840	* 0	* 0
* .....	* .....	* .....	* .....	* .....	* .....	* .....	* .....

<sup>1</sup> *Mesoplodon* spp. in SOCAL for the undifferentiated occurrence of five *Mesoplodon* species (*M. carlhubbsi*, *M. ginkgodens*, *M. perrini*, *M. peruvianus*, *M. stejnegeri*) but does not include Blainville's beaked whale listed separately above.

<sup>2</sup> No more than 76 of Hawaii Island stock, 57 of Kauai/Niihau stock, and 34 of Oahu/4-Islands stock may be taken during testing activities.

Dated: April 30, 2014.

**Samuel D. Rauch III,**

Deputy Assistant Administrator for  
Regulatory Programs, National Marine  
Fisheries Service.

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