

Tourism Subcommittee and Stakeholder Engagement Subcommittee) to address the Committee's charge. The Committee will also hear from two panels of experts: One on successful ocean engagement initiatives, and one from MPA managers on engaging with the travel, recreation and tourism industries. On Wednesday, December 5, the Committee will meet with representatives from National Marine Sanctuary Advisory Councils to discuss fostering links between MPAs and the recreation, travel and tourism industries. The agenda is subject to change. The latest version will be posted at <http://www.mpa.gov>.

Dated: November 8, 2012.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC352

#### Second Fishing Capacity Reduction Program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands Non-Pollock Groundfish Fishery

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

**ACTION:** Notice of reduction payment tender and industry fee collection system effective date.

**SUMMARY:** The FY 2005 Appropriations Act (the Appropriations Act) authorized a capacity reduction program for the Longline Catcher Processor Subsector of the Bering Sea and Aleutian Islands non-pollock groundfish fishery (Reduction Fishery). Pursuant to this authorization, the Freezer Longline Conservation Cooperative (FLCC) conducted the bid selection process and submitted a reduction plan to NMFS to purchase a single latent permit within the Reduction Fishery. On September 24, 2012, the National Marine Fisheries Service published regulations for the second fishing capacity reduction program for this Reduction Fishery. NMFS conducted a successful referendum approving the reduction loan repayment fees of \$2,700,000 which post-reduction harvesters will repay over a 30-year period.

Accordingly, NMFS is preparing to tender a reduction payment to the accepted bidder and implement an industry fee collection system to repay the loan.

**DATES:** The public has until December 17, 2012 to inform NMFS of any holding, owning, or retaining claims that conflict with the representations of bids as presented by the FLCC. Fee collection will begin on January 1, 2013.

**ADDRESSES:** Send comments about this notice to Paul Marx, Chief, Financial Services Division, NMFS, Attn: Second Non-Pollock Groundfish Longline Catcher Processor Buyback, 1315 East-West Highway, Silver Spring, MD 20910 (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:**

Michael A. Sturtevant at (301) 427-8799, fax (301) 713-1306, or [michael.a.sturtevant@noaa.gov](mailto:michael.a.sturtevant@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Background

In 2007, NMFS approved and implemented a \$35.7 million fishing capacity reduction loan program for the Longline Catcher Processor Subsector, which represented the full amount authorized for that subsector of the \$75 million authorized for the entire BSAI non-pollock groundfish fishery. The initial program removed three fishing vessels and 12 fishing licenses and permits for a loan amount of \$35 million. All long-line catcher processors harvesting non-pollock groundfish were required to pay and forward a fee to NMFS to repay the loan. The original fee assessment was \$0.02 per pound caught with payment and collection beginning on October 24, 2007. That rate has since been reduced to \$0.0145 per pound.

None of the other BSAI non-pollock groundfish subsectors have expressed an interest in implementing a capacity reduction program for their subsector. A provision in the Appropriations Act permits the Secretary of Commerce to make available any of the unused loan amounts, originally allocated for each subsector, for capacity reduction programs in any of the subsectors after January 1, 2009.

Members of the BSAI Longline Catcher Processor Subsector informed NMFS that they wished to access the remaining loan amounts to undertake a second buyback. To implement this next buyback, the FLCC on behalf of the Reduction Fishery was required by the Appropriations Act to draft and submit a Reduction Plan to NMFS. On August 27, 2010, the FLCC submitted a Reduction Plan to access \$2.7 million of

the total remaining \$39,105,450 funds to purchase a single latent permit.

NMFS published proposed program regulations on July 30, 2012 (77 FR 44572), and final program regulations on September 24, 2012 (77 FR 58775), to implement the second reduction program. Interested persons should review these for further program details.

#### II. Present Status

NMFS conducted a referendum to determine the industry's willingness to repay a fishing capacity reduction loan to purchase the permit identified in the reduction plan. NMFS mailed ballots to 37 holders of record of LLP licenses in the fishery who were eligible to vote in the referendum. The voting period opened on October 24, 2012, and closed on November 7, 2012. NMFS received 32 timely and valid votes; all 32 of the votes approved the fees. This exceeded majority of permit holders (19) required for industry fee system approval. Consequently, the referendum was successful and permit holders approved the industry fee system. Accordingly, the reduction contract is in full force and effect and NMFS is preparing to tender and disburse a reduction payment to the selected bidder.

#### III. Reduction Payment Tender

NMFS publishes this notice to inform the public before tendering the reduction payment to Permit Holding LLC (the selected bidder), for LLP license LLG2085 with area endorsements for Bering Sea Catcher/Processor Hook and Longline and Aleutian Islands Catcher/Processor Hook and Longline. NMFS will tender the reduction payment on or about December 17, 2012. When NMFS tenders the reduction payment to Permit Holding LLC, the selected bidder must permanently stop all further fishing with the reduction permit it has relinquished. The selected bidder, in accordance with section 5 of the relinquishment contract, must notify all creditors or other parties with security interests in the reduction permit.

This notice provides the public (including creditors or other parties) 30 days from publication of this notice to advise NMFS in writing of any holding, owning, or retaining claims that conflict with the representations of the bid as presented by the FLCC.

#### IV. Fee System Effective Date

This notice also establishes the reduction loan repayment fee's effective date in accordance with subpart M to 50 CFR 600.1108. The second BSAI non-pollock groundfish longline catcher processor program fee payment and

collection will begin on January 1, 2013. Starting on this date, additional fees will be assessed and collected on all harvested Pacific cod, including that used for bait or discarded, on all members of this subsector. The initial fee applicable to this second loan in the BSAI longline program's reduction fishery is \$0.001 per pound. Subsector members must pay and collect the fee in the manner set out in 50 CFR 600.1108 and the framework rule. Consequently, all subsector members may wish to read subpart L to 50 CFR 600.1013 to understand how fish harvesters must pay and fish buyers must collect the fee.

Dated: November 9, 2012.

**Dana Flowerlake,**

*Acting Deputy Director, Office of Management and Budget, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC153**

#### **Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Rocky Intertidal Monitoring Surveys on the South Farallon Islands, CA**

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

**ACTION:** Notice; issuance of an incidental harassment authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the National Ocean Service's Office of National Marine Sanctuaries Gulf of the Farallones National Marine Sanctuary (GFNMS) to take marine mammals, by harassment, incidental to rocky intertidal monitoring work and searching for black abalone, components of the Sanctuary Ecosystem Assessment Surveys.

**DATES:** Effective November 8, 2012, through November 7, 2013.

**ADDRESSES:** A copy of the authorization, application, and associated Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) and Biological Opinion may be obtained by writing to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources,

National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910, 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 also be viewed, by appointment, during regular business hours, at the aforementioned address.

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

#### **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 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 for incidental takings 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 subsistence uses (where relevant), and if the permissible methods of taking, other means of effecting the least practicable impact on the species or stock and its habitat, 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. 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 the authorization. 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]."

##### **Summary of Request**

On May 13, 2012, NMFS received an application from GFNMS for the taking of marine mammals incidental to rocky intertidal monitoring work and searching for black abalone. NMFS determined that the application was adequate and complete on July 20, 2012. On August 23, 2012, we published a notice in the **Federal Register** of our proposal to issue an IHA with preliminary determinations and explained the basis for the proposal and preliminary determinations (77 FR 50990). The notice initiated a 30-day public comment period. Responses are discussed below.

GFNMS proposes to continue rocky intertidal monitoring work and the search for black abalone in areas previously unexplored for black abalone for periods of 4–8 days in November 2012 and February 2013. All work will be done only during daylight minus low tides. This is a long-term study that began in 1992 and at present is anticipated to continue beyond November 2013. This IHA is only effective for a 12-month period. In future years (depending on funding), survey activities may occur in February, August, and November. For purposes of the present request, four sites will be sampled during both November and February, with two additional sites to be sampled in February only. The following specific aspects of the activities are likely to result in the take of marine mammals: presence of survey personnel near pinniped haulout sites and approach of survey personnel towards hauled out pinnipeds. Take, by Level B harassment only, of individuals of five species of marine mammals is anticipated to result from the specified activity.

##### **Description of the Specified Activity and Specified Geographic Region**

Since the listing of black abalone as "endangered" under the U.S. Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*), NMFS has requested that GFNMS explore as much of the shoreline as possible, as well as document and map the location of quality habitat for black abalone and the location of known animals. This listing