

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

RIN 0648-XA645

**Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice of receipt and request for comment.

**SUMMARY:** Notice is hereby given that NMFS has received an application from the Washington Department of Fish and Wildlife (WDFW), for a direct take permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The duration of the proposed Permit is ten years. This document serves to notify the public of the availability for comment of the permit application. All comments received will become part of the public record and will be available for review pursuant to the ESA.

**DATES:** Written comments on the application must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on *September 19, 2011*.

**ADDRESSES:** Written responses to the application should be sent to Brian Allee, National Marine Fisheries Services, Salmon Management Division, 1201 N.E. Lloyd Boulevard, Suite 1100, Portland, OR 97232. Comments may also be submitted by e-mail to: [LowerColumbiaWeirs.nwr@noaa.gov](mailto:LowerColumbiaWeirs.nwr@noaa.gov). Include in the subject line of the e-mail comment the following identifier: Comments on three weirs in the Lower Columbia. Comments may also be sent via facsimile (fax) to (503) 872-2737. Requests for copies of the permit applications should be directed to the National Marine Fisheries Services, Salmon Management Division, 1201 NE. Lloyd Boulevard, Suite 1100, Portland, OR 97232. The documents are also available on the Internet at <http://www.nwr.noaa.gov>. Comments received will also be available for public inspection, by appointment, during normal business hours by calling (503) 230-5412.

**FOR FURTHER INFORMATION CONTACT:** Brian Allee at (503) 231-2009 or e-mail: [brian.allee@noaa.gov](mailto:brian.allee@noaa.gov).

**SUPPLEMENTARY INFORMATION:****Species Covered in This Notice**

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally produced and artificially propagated Lower Columbia River.

Chum salmon (*O. keta*): threatened, naturally produced and artificially propagated Columbia River.

Coho salmon (*O. kisutch*): threatened, naturally produced and artificially propagated Lower Columbia River.

Steelhead (*O. mykiss*): threatened, naturally produced and artificially propagated Lower Columbia River.

**Background**

Section 9 of the ESA and Federal regulations prohibit the "taking" of a species listed as endangered or threatened. The term "take" is defined under the ESA to mean harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. NMFS may issue permits to take listed species for any act otherwise prohibited by section 9 for scientific purposes or to enhance the propagation or survival of the affected species, under section 10(a)(1)(A) of the ESA. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

In an application dated May 2, 2011, and updated on May 23, 2011, the Washington Department of Fish and Wildlife proposes to install weirs in the Grays River and Elochoman River, both tributaries of the Columbia River, and the Coweeman River, a tributary of the Cowlitz River in southwest Washington State. The weir on the Grays River would represent a re-location of an existing weir. The weirs are intended to address adult salmonid monitoring needs outlined in the Lower Columbia Fish Recovery Board's Watershed Conservation Plan through development of accurate and precise abundance estimates, and remove hatchery fall Chinook salmon from naturally spawning tule fall Chinook salmon populations.

**Authority**

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate each application, associated documents, and comments submitted thereon to determine whether the applications meet the requirements of section 10(a)(1)(A) of the ESA. If it is determined that the requirements are met, the permit will be issued to WDFW for the purpose of carrying out the installation, operation, and management of the weirs. NMFS will publish a record of its final action in the **Federal Register**.

Dated: August 15, 2011.

**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-XA513

**Taking and Importing Marine Mammals: Taking Marine Mammals Incidental to Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar**

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

**ACTION:** Notice; issuance of four Letters of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that NMFS has issued four one-year Letters of Authorization (LOAs) to take marine mammals by harassment incidental to the U.S. Navy's operation of Surveillance Towed Array Sensor System Low Frequency Active (SURTASS LFA) sonar operations to the Chief of Naval Operations, Department of the Navy, 2000 Navy Pentagon, Washington, DC 20350 and persons operating under his authority.

**DATES:** Effective from August 16, 2011, through August 15, 2012.

**ADDRESSES:** Electronic copies of the Navy's March 31, 2011, LOA application letter, the LOAs, the Navy's 2010 annual report 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, by telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or online at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

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

**SUPPLEMENTARY INFORMATION:**

## Background

Section 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs 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 military readiness activity if certain findings are made and regulations are issued.

Authorization may be granted for periods of five years or less if NMFS finds that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for certain 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 also must include requirements pertaining to the monitoring and reporting of such taking.

Regulations governing the taking of marine mammals incidental to the U.S. Navy's operation of SURTASS LFA sonar were published on August 21, 2007 (72 FR 46846) and remain in effect through August 15, 2012. They are codified at 50 CFR part 216 subpart Q. These regulations include mitigation, monitoring, and reporting requirements for the incidental taking of marine mammals by the SURTASS LFA sonar system. For detailed information on this action, please refer to the August 21, 2007 **Federal Register** document and 50 CFR part 216 subpart Q.

## Summary of LOA Request

NMFS received an application from the U.S. Navy for four LOAs, one covering the USNS VICTORIOUS (T-AGOS 19), one covering the USNS ABLE (T-AGOS 20), one covering the USNS EFFECTIVE (T-AGOS 21), and one covering the USNS IMPECCABLE (T-AGOS 23), under the regulations issued on August 21, 2007 (72 FR 46846). (**Note:** The R/V CORY CHOUET has been retired and has been replaced by the USNS ABLE.) The Navy requested that these LOAs become effective on August 16, 2011. The application requested authorization, for a period not to exceed one year, to take, by harassment, marine mammals incidental to employment of the SURTASS LFA sonar system for training, testing and routine military operations on the aforementioned ships

in areas of the Pacific Ocean, as described in the 2007 regulations.

## Monitoring and Reporting

In compliance with NMFS' 2007 SURTASS LFA sonar regulations, the Navy submitted an annual report (No. 3) for SURTASS LFA sonar operations during 2009–2010. The Navy also submitted a comprehensive report on SURTASS LFA sonar operations and the mitigation and monitoring activities conducted under the LOAs issued under its previous rule for the 2002 through 2007 period. A copy of these reports can be viewed and/or downloaded at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Based on these reports, the Navy has conducted the specified activities in the manner described in the regulations and LOAs, and has implemented the required mitigation and monitoring measures. Additionally, marine mammal detections and behavioral observations suggest that the actual impacts of SURTASS LFA sonar operation and training fall within the scope and nature of those analyzed and anticipated by the regulations and LOAs.

In accordance with the current SURTASS LFA sonar regulations (50 CFR 216.186), the Navy has submitted classified quarterly mission reports. Under the first three LOA periods in the current rule, the Navy has not exceeded the take authorized by NMFS. Based on the submitted quarterly reports for the 2010 LOAs, NMFS does not expect the Navy to exceed authorized take (requested and authorized) based on the Navy's 2010 application. The annual report (No. 4) for the 2010–2011 LOAs is due on September 30, 2011. Upon receipt, NMFS will post this annual report at <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

## Authorization

NMFS has issued four LOAs to the U.S. Navy, authorizing the incidental harassment of marine mammals, incidental to operating the four SURTASS LFA sonar systems for training, testing and routine military operations. Issuance of these four LOAs is based on findings, described in the preamble to the final rule (72 FR 46846, August 21, 2007) and supported by information contained in the Navy's required reports on SURTASS LFA sonar, that the activities described under these four LOAs will have no more than a negligible impact on marine mammal stocks and will not have an unmitigable adverse impact on the availability of the affected marine mammal stocks for subsistence uses.

These LOAs remain valid through August 15, 2012, provided the Navy remains in conformance with the conditions of the regulations and the LOAs, and the mitigation, monitoring, and reporting requirements described in 50 CFR 216.184–216.186 (72 FR 46846, August 21, 2007) and in the LOAs are undertaken.

Dated: August 12, 2011.

**James H. Lecky,**

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

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**BILLING CODE 3510–22–P**

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## DEPARTMENT OF DEFENSE

### Department of the Navy

#### Nominations for Membership on the Ocean Research Advisory Panel

**AGENCY:** Department of the Navy, DoD.

**ACTION:** Notice.

**SUMMARY:** The Ocean Research Advisory Panel (ORAP) is soliciting nominations for new members.

**DATES:** Nominations should be submitted no later than September 15, 2011.

**ADDRESSES:** Nominations should be submitted via e-mail to CDR Stephen D. Martin, U.S. Navy, at [stephen.d.martin@navy.mil](mailto:stephen.d.martin@navy.mil).

*Contact Information:* Office of Naval Research, 875 North Randolph Street Suite 1425, Attn: ONR Code 322B Room 1075, Arlington, VA 22203, telephone 703–696–4395.

**FOR FURTHER INFORMATION CONTACT:** Dr. Charles L. Vincent, Office of Naval Research, 875 North Randolph Street Suite 1425, Arlington, VA 22203–1995, telephone 703–696–4120.

**SUPPLEMENTARY INFORMATION:** ORAP is a statutorily mandated federal advisory committee that provides senior advice to the National Ocean Research Leadership Council (NORLC), the governing body of the National Oceanographic Partnership Program (NOPP). Under the National Ocean Policy, the National Ocean Council (NOC) Deputy-level Committee has assumed the responsibilities of the NORLC. ORAP provides independent advice and guidance to the NOC. The NOC routinely provides guidance and direction on the areas for which it seeks advice and recommendations from ORAP. ORAP also advises on selection of projects and allocation of funds for NOPP.

*Panel Member Duties and Responsibilities:* Members of the panel