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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA960

#### Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

**ACTION:** Notice of public meeting.

**SUMMARY:** The Mid-Atlantic Fishery Management Council (Council) and its Surfclam, Ocean Quahog and Tilefish Committee, its Ecosystem and Ocean Planning Committee, and its Spiny Dogfish Committee will hold public meetings.

**DATES:** The meetings will be held Tuesday, February 14, 2012 through Thursday, February 16, 2012. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

**ADDRESSES:** Hilton Virginia Beach Oceanfront, 3001 Atlantic Avenue, Virginia Beach, VA; telephone: (757) 213-3001.

*Council Address:* Mid-Atlantic Fishery Management Council, 800 N. State St., Suite 201, Dover, DE 19901; telephone: (302) 674-2331.

**FOR FURTHER INFORMATION CONTACT:** Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526-5255.

**SUPPLEMENTARY INFORMATION:** On Tuesday, February 14—The Surfclam, Ocean Quahog and Tilefish Committee will meet from 1 p.m. until 3 p.m. The Ecosystem and Ocean Planning Committee will meet from 3 p.m. until 5 p.m. On Wednesday, February 15—The Spiny Dogfish Committee will meet from 9 a.m. until 10 a.m. Action on the Omnibus Framework/Supplemental Environmental Assessment (EA) will occur from 10 a.m. until 12 p.m. A review of the Advisory Panel Workgroup Report will be held from 1 p.m. until 3 p.m. Action on the Squid, Mackerel, and Butterfish Framework will occur from 3 p.m. until 4 p.m. A Highly Migratory Species (HMS) presentation will be held from 4 p.m. until 5 p.m. There will be a Public Listening Session from 5 p.m. until 6 p.m. On Thursday February 16—The

Council will hold its regular Business Session from 9 a.m. until 1 p.m. to approve the October and December minutes, receive Organizational Reports to include a SAW/SARC 53 Summary on Black Sea Bass, the New England Liaison Report, the Executive Director's Report, the Science Report, Committee Reports, and conduct any continuing and/or new business.

Agenda items by day for the Council's Committees and the Council itself are:

On Tuesday, February 14—The Surfclam, Ocean Quahog and Tilefish Committee will discuss and identify the next steps for Amendment 15. The Ecosystem and Ocean Planning Committee will receive a presentation by Dr. Steve Ross of UNC Wilmington on Bureau of Ocean Energy Management-funded work on deep-sea corals and consider and approve the mission statement.

On Wednesday, February 15—The Spiny Dogfish Committee will update and review the range of alternatives for Amendment 3. The Council will take action to revise risk policy measures through framework adjustment or other action regarding the Omnibus Framework or Supplemental EA. The Council will receive an Advisory Panel Workgroup Report to review and approve workgroup recommendations to modify the current process for Advisory panel membership and governance. The Council will take action to modify vessel hold certification requirements regarding the Squid, Mackerel and Butterfish Framework. The Council will hear a presentation on an Amendment that proposes catch shares in the Atlantic shark fishery. The Council will hold a Public Listening Session.

On Thursday, February 16—The Council will hold its regular Business Session to approve the October and December minutes, receive Organizational Reports to include a SAW/SARC 53 Summary on Black Sea Bass, the New England Liaison Report, the Executive Director's Report, Science Report, Committee Reports, and conduct any continuing and/or new business.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to M. Jan Saunders, (302) 526-5251, at least 5 days prior to the meeting date.

Dated: January 23, 2012.

**Tracey L. Thompson,**

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

[FR Doc. 2012-1594 Filed 1-25-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XU87

#### Marine Mammals; File No. 15126

**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 a major amendment to Permit No. 15126-01 has been issued to NMFS National Marine Mammal Laboratory (Responsible Party: Dr. John Bengtson, Director), Seattle, WA.

**ADDRESSES:** The permit amendment and related documents are available for review upon written request or by appointment in the following offices:

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249.

**FOR FURTHER INFORMATION CONTACT:** Tammy Adams or Amy Sloan, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On November 25, 2011, notice was published in the **Federal Register** (76 FR 72681) that a request for an amendment Permit No. 15126-01 to conduct research on marine mammals had been submitted by the above-named applicant. The requested permit amendment has been issued 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).

The permit has been amended to include harassment of ribbon seals (*Phoca fasciata*), spotted seals (*P. largha*), ringed seals (*P. hispida*), and bearded seals (*Erignathus barbatus*) in the North Pacific Ocean, Bering Sea, Arctic Ocean, and coastal regions of Alaska during aerial surveys conducted from either rotary or fixed wing manned or unmanned aircraft. The amendment does not change the duration of the permit, which expires on March 30, 2015.

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: January 20, 2012.

**P. Michael Payne,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XA871

#### Takes of Marine Mammals Incidental to Specified Activities; Physical Oceanographic Studies in the Southwest Indian Ocean, January Through February, 2012

**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), notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the United States Navy (Navy) to take marine mammals, by harassment, incidental to conducting physical oceanographic studies in the southwest Indian Ocean.

**DATES:** Effective January 23, 2012, through March 7, 2012.

**ADDRESSES:** A copy of the IHA and application are available by writing to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

An electronic copy of the application containing a list of references used in this document may be obtained by writing to the above address, telephoning the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. NMFS wrote an Environmental Assessment (EA) and prepared a Finding of No Significant Impact (FONSI), which are available at the same Internet address. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

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

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, 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, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for the incidental taking of small numbers of marine mammals shall be granted 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 subsistence uses (where relevant). The authorization must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and requirements pertaining to the mitigation, monitoring and reporting of such takings. 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) of the MMPA 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 public 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

NMFS received an application on August 15, 2011, from the United States Navy (Navy) for the taking of marine mammals, by Level B harassment, incidental to conducting physical oceanographic studies in the southwest Indian Ocean. Upon receipt of additional information, NMFS determined the application complete and adequate on September 14, 2011.

The Navy plans to use one source vessel, the R/V *Melville* (*Melville*), and a seismic airgun array to obtain high resolution imaging of ocean mixing dynamics at the Agulhas Return Current and Antarctic Circumpolar Currents (ARC/ACC) in a research project titled ARC12. The *Melville* will spend 14 days on seismic oceanography surveys and three days on acoustic Doppler current profiler (ADCP) mooring deployments and recoveries, other oceanographic sampling methods, and transit to and from the study site.

Acoustic stimuli (*i.e.*, increased underwater sound) generated during the operation of the airgun array has the potential to cause short-term behavioral disturbance for marine mammals in the survey area. This is the principal means of marine mammal taking associated with these activities, and the Navy has requested an authorization to take 30 species of marine mammals by Level B harassment. NMFS does not expect the use of the multibeam echosounder (MBES), subbottom profiler (SBP), or ADCPs to result in any take that has not already been considered in the discussion of the airguns, which will operate 24 hours per day. Take is also not expected to result from collision with the *Melville* because it is a single vessel moving at relatively slow speeds during seismic acquisition within the survey, for a relatively short period of time.

##### Description of the Specified Activity

The Navy's physical oceanographic studies are scheduled to commence on January 23, 2012, and continue for approximately 17 days ending on February 8, 2012. Some deviation from this timeline is possible due to logistics and weather conditions. NMFS is issuing an authorization that extends from January 23, 2012, through March 7, 2012.

Within this time period, the Navy will conduct seismic oceanography surveys using a towed array of two low-energy