

governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222–226).

*File 16549:* The applicant is requesting authorization for a scientific research permit for takes of shortnose sturgeon in the wild and captivity. The applicant proposes to determine up and downstream migrations, habitat use, spawning periodicity, seasonal movements of shortnose sturgeon in the Connecticut River (from Agawam, MA to Montague, MA). The applicant also proposes captive animal research in laboratory tests of up- and downstream fish passage studies, swimming performance tests, tagging studies, anesthesiology, behavior, physiology and contaminant studies, as well as producing progeny for further research. Additionally, the applicant requests authorization to collect fertilized embryo from each of the following rivers: Merrimack River (MA), Kennebec River and Androscoggin River (ME). The permit would be valid for five years from the date of issuance.

*File 17095:* The purpose of the research would be the monitoring of sturgeon abundance and distribution through the Hudson River Biological Monitoring Program (HRBMP). The action area includes the Hudson River from River Mile 0 (Battery Park, Manhattan, NY) to River Mile 152 at Troy Dam (Albany, NY). The focus of the monitoring program would be fish identification, mark and recapture, and enumeration within defined Hudson River regions and depth strata. Researchers would non-lethally capture, handle, measure, weigh, scan for tags, insert passive integrated transponder (PIT) and dart tags, photograph, tissue sample, and release up to 82 shortnose sturgeon and 82 Atlantic sturgeon annually. Additionally, researchers would be permitted each year to lethally collect up to 40 shortnose sturgeon and up to 40 Atlantic sturgeon eggs and/or larvae (ELS). The permit would be valid for five years from the date of issuance.

Dated: April 5, 2012.

**Tammy C. Adams,**

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

[FR Doc. 2012–8605 Filed 4–10–12; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XB152**

#### Endangered Species; File No. 16645

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the Georgia Department of Natural Resources (GA DNR) has applied in due form for a permit pursuant to the Endangered Species Act of 1973, as amended (ESA). The permit application is for the incidental take of ESA-listed shortnose (*Acipenser brevirostrum*) and Atlantic sturgeon (*A. oxyrinchus*) associated with the otherwise lawful commercial shad fishery in Georgia. The duration of the proposed permit is 10 years. NMFS is furnishing this notice in order to allow other agencies and the public an opportunity to review and comment on the application materials. All comments received will become part of the public record and will be available for review.

**DATES:** Written comments must be received at the appropriate address or fax number (see **ADDRESSES**) on or before June 11, 2012.

**ADDRESSES:** The application is available for download and review at [http://www.nmfs.noaa.gov/pr/permits/esa\\_review.htm](http://www.nmfs.noaa.gov/pr/permits/esa_review.htm) under the section heading *ESA Section 10(a)(1)(B) Permits and Applications*.

The application is also available upon written request or by appointment in the following office: Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13626, Silver Spring, MD 20910; phone (301) 427–8403; fax (301) 713–4060.

You may submit comments on this document, identified by NOAA–NMFS–2012–0090, by any of the following methods:

- **Electronic Submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal [www.regulations.gov](http://www.regulations.gov). To submit comments via the e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA–NMFS–2012–0090 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.

- **Mail:** Submit written comments to Endangered Species Division, Office of

Protected Resources, NMFS, 1315 East-West Highway, Room 13626, Silver Spring, MD 20910; Attn: Kristy Beard or Angela Somma.

- Fax (301) 713–4060; Attn: Kristy Beard or Angela Somma.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous). Attachments to electronic comments will be accepted in Microsoft Word or Excel, WordPerfect, or Adobe PDF file formats only.

**FOR FURTHER INFORMATION CONTACT:** Kristy Beard or Angela Somma at (301) 427–8403.

**SUPPLEMENTARY INFORMATION:** Section 9 of the ESA and Federal regulations prohibit the “taking” of a species listed as endangered or threatened. The ESA defines “take” 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, under limited circumstances, to take listed species incidental to, and not the purpose of, otherwise lawful activities. Section 10(a)(1)(B) of the ESA provides for authorizing incidental take of listed species. NMFS regulations governing permits for threatened and endangered species are promulgated at 50 CFR 222.307.

#### Background

NMFS received a draft permit application from GA DNR on September 12, 2011. Based on a review of the application, NMFS requested further information. The applicant submitted a complete application on March 6, 2012 for take of ESA-listed shortnose and Atlantic sturgeon that may be caught incidental to the Georgia shad fishery. The State of Georgia has amended their commercial fishing regulations for the Georgia shad fishery to minimize the incidental capture of ESA-listed shortnose and Atlantic sturgeon. The

new regulations restrict fishing to the lower portions of the Savannah, Ogeechee, and Altamaha Rivers and close the fishery in the Satilla and St. Mary's River. The Georgia shad fishery is open from January 1 to as late as April 30 each year, but would typically end March 31. Georgia regulations require that sturgeon captured in shad nets must be released unharmed into the waters from which they were taken. GA DNR would use a combination of a trip ticket system (self-reporting by fishermen) and direct observations to monitor the number of sturgeon incidentally captured each month in the commercial shad fishery.

GA DNR requests 3-year running averages for takes to account for the potential for a high-take year before or after low-take years. GA DNR estimates that incidental bycatch would not exceed 175 shortnose sturgeon per year (no more than 525 in a 3-year period) and 140 Atlantic sturgeon per year (no more than 420 in a 3-year period) in the Altamaha River, 75 shortnose sturgeon per year (no more than 225 in a 3-year period) and 50 Atlantic sturgeon per year (no more than 150 in a 3-year period) in the Savannah River, and 10 shortnose sturgeon per year (no more than 30 in a 3-year period) and 10 Atlantic sturgeon per year (no more than 30 in a 3-year period) in the Ogeechee River. A mortality rate of approximately 2.3 percent is anticipated based on recent research.

#### Conservation Plan

GA DNR's conservation plan describes measures designed to minimize, monitor, and mitigate the incidental take of ESA-listed sturgeon. The conservation plan includes Georgia's amended commercial fishing regulations for the Georgia shad fishery, which are expected to minimize the bycatch of sturgeon by closing to shad fishing sections of the rivers that previously had the highest bycatch rates. These closures would also protect known and suspected sturgeon spawning sites. Georgia regulations require that sturgeon captured in shad nets be released unharmed into the waters from which they were taken. GA DNR would use a combination of a trip ticket system (self-reporting by fishermen) and direct observations to monitor the incidental take of sturgeon in the commercial shad fishery. Other monitoring or mitigation actions will be undertaken as required. Monitoring would be funded by GA DNR's Annual Operating Budget.

GA DNR considered and rejected two other alternatives: (1) No change to commercial shad regulations, and (2)

establishing new upper boundaries for commercial shad fishing on the Altamaha and Savannah rivers, while completely closing the Ogeechee, Satilla, and St. Mary's rivers to commercial shad fishing.

#### National Environmental Policy Act

Issuing a permit would constitute a Federal action requiring NMFS to comply with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) as implemented by 40 CFR parts 1500–1508 and NOAA Administrative Order 216–6, *Environmental Review Procedures for Implementing the National Environmental Policy Act* (1999). NMFS intends to prepare an Environmental Assessment to consider a range of reasonable alternatives and fully evaluate the direct, indirect, and cumulative impacts likely to result from issuing a permit.

#### Next Steps

This notice is provided pursuant to section 10(c) of the ESA. NMFS will evaluate the application, associated documents, and comments received during the comment period to determine whether the application meets the requirements of section 10(a) of the ESA. If NMFS determines that the requirements are met, a permit will be issued for incidental takes of ESA-listed sturgeon. The final NEPA and permit determinations will not be made until after the end of the comment period. NMFS will publish a record of its final action in the **Federal Register**.

Dated: April 5, 2012.

**Lisa Manning,**

*Acting Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.*

[FR Doc. 2012–8707 Filed 4–10–12; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XB153**

#### New England Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The New England Fishery Management Council (Council) will hold an evening public hearing on Wednesday, April 25, 2012 to obtain

public input on measures proposed for inclusion in Amendment 5 to the Atlantic Herring Fishery Management Plan.

**DATES:** The hearing will be held on Wednesday, April 25, 2012 at 6 p.m.

**ADDRESSES:** The hearing will be held at the Hilton Hotel, 20 Coogan Boulevard, Mystic, CT 06355–1900; telephone: (860) 572–0731; fax: (860) 572–0328.

*Council address:* New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone: (978) 465–0492.

**FOR FURTHER INFORMATION CONTACT:** Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492.

#### SUPPLEMENTARY INFORMATION:

#### Tuesday, April 25, 2012

Following the first day of the April 24–26, 2012 New England Fishery Management Council meeting in Mystic, CT, the Council will host a public hearing, the last in a series of coastwide meetings, to obtain public comments on measures under consideration for inclusion in Amendment 5 to the Atlantic Herring Fishery Management Plan. Management measures could include adjustments to the fishery management program, reporting requirements and measures to address trip notification, carrier vessels and transfers of herring at-sea. A catch monitoring program also is being considered as well as measures to address river herring bycatch and criteria for midwater trawl vessel access to the year-round groundfish closed areas.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subjects of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

#### Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.