

hind when caught recreationally. Additionally, the GMFMC's objective for a lack of a minimum size in the Gulf of Mexico is to minimize regulatory discards and curb bycatch mortality of this deep-water grouper species (GMFMC, 1999). Allowing fishermen to retain speckled hind that may otherwise become regulatory discards due to size prevents these fish from being thrown back dead due to barotrauma and also excluded from landings statistics. Hence, with respect to the Gulf of Mexico, the Petitioner is incorrect in its assertion that fishery management measures are posing a threat to the species.

In federal waters of the U.S. South Atlantic, speckled hind is managed by the SAFMC through their Snapper-Grouper FMP. Amendment 6 to the Snapper-Grouper FMP, effective on July 27, 1994, included a one-fish-per-vessel, per trip, commercial and recreational possession limit for speckled hind; a prohibition on the sale of speckled hind; and established the *Oculina* Experimental Closed Area, which prohibited fishing for all snapper-grouper species within this area (59 FR 27242; May 26, 1994). Since the implementation of Amendment 6 in 1994, sale of speckled hind has been prohibited; however, commercial vessels were allowed to retain one speckled hind per vessel. Landings of speckled hind on commercial vessels under this prohibition have annually averaged approximately 5,240 pounds (2.4 mt) through 2009. Prior to this action, commercial landings averaged approximately 21,605 pounds (9.8 mt) during the previous 9-year time frame, 1986 through 1994. In January 2011, the SAFMC prohibited all landings of speckled hind, thus no commercial or recreational landings are expected in the future.

The petition, its references, and numerous sources state that establishment of large marine protected areas is likely to be the most effective measure for protection and conservation of speckled hind. Studies have found larger and more abundant grouper in closed areas than in similar, unprotected areas (Sedberry *et al.*, 1999). The petition does not acknowledge that Federal fishery management of speckled hind has involved the use of protected areas since the early 1990s. As discussed above, the *Oculina* Banks, a unique deep-water coral reef ecosystem off the South Atlantic coast of the United States, was protected beginning in 1994, specifically to facilitate rebuilding of deep-water grouper stocks. Amendment 13A to the South Atlantic snapper-

grouper FMP, effective on April 26, 2004, extended the prohibition on fishing for or possessing snapper-grouper species within the *Oculina* Experimental Closed Area for an indefinite period (69 FR 15731). On February 12, 2009, Amendment 14 to the South Atlantic snapper-grouper FMP established eight marine protected areas in which fishing for or possession of South Atlantic snapper-grouper species is prohibited (74 FR 1621). Additionally, Amendment 17B to the South Atlantic snapper-grouper FMP prohibited harvest and possession of speckled hind. Similarly, the GMFMC established several large closed areas in the Gulf of Mexico, including the Steamboat Lump and Madison and Swanson marine reserves. Ziskin (2008) stated that the one fish bag limit (in the South Atlantic) seemed insufficient to halt the over-exploitation of the species and that a new management strategy may be necessary to improve the status of the population. Given the SAFMC measures implementing 8 MPAs protecting deep water species in 2009 and the recent (January 2011) ban on any harvest of speckled hind, it appears that the SAFMC has heeded this call. Further, through the MSFCMA and Council process management measures have been and can be implemented quickly to protect speckled hind if such measures are found to be necessary.

In summary, the petition and information in our files indicates that existing regulatory mechanisms are adequate to prevent endangerment for speckled hind. The first regulatory mechanisms to address problems with speckled hind focused on targeted catch of the species. When it was understood that targeted reductions (i.e., a 1-fish per vessel limit) were not enough because of bycatch, new regulatory mechanisms were developed to eliminate any harvest (i.e., zero bag limit) and protect the species from bycatch (i.e., MPA's). Additionally, regulatory mechanisms appear to be flexible in response to information about the population, and thus are not posing an extinction risk for speckled hind.

Other Natural or Manmade Factors

The petition and several referenced studies state that speckled hind are vulnerable to increased risk of extinction, particularly from fishing pressure, due to biological constraints, including its large size, slow growth and maturity rates, susceptibility to barotrauma, lack of population increase, slow population doubling rates, protogynous hermaphroditism, and formation of spawning aggregations that can be easily targeted by fishermen.

However, concerns about the inherent vulnerability of deep-water grouper species have been taken into account and have been a recurring justification for Federal fishery management actions implemented under the MSFCMA.

The petition also lists potential small population size of adult speckled hind and human population growth as other natural or manmade factors contributing to speckled hind's vulnerability, but does not provide any supporting information to indicate these generalized concerns are actually negatively affecting speckled hind.

In summary, the petition and information in our files do not present substantial information to suggest that other natural or manmade factors, alone or in combination with other factors such as fishing pressure, may be causing extinction risk of concern in speckled hind.

Petition Finding

After reviewing the information contained in the petition, as well as information readily available in our files, we conclude the petition does not present substantial scientific or commercial information indicating the petitioned action may be warranted.

References Cited

A complete list of all references is available upon request from the Protected Resources Division of the NMFS Southeast Regional Office (see **ADDRESSES**).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: April 25, 2012.

Alan D. Risenhoover,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA840

Marine Mammals; File No. 16479

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

ACTION: Notice; receipt of application for permit amendment.

SUMMARY: Notice is hereby given that The Pacific Whale Foundation [Responsible Party: Gregory Kaufman], 300 Maalaea Road, Suite 211, Wailuku, HI 96793, has requested a change in Principal Investigator to their pending permit application.

DATES: Written, telefaxed, or email comments must be received on or before May 31, 2012.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the *Features* box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 16479 from the list of available applications.

These documents are also available 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 Pacific Islands Region, NMFS, 1601 Kapiolani Blvd., Rm. 1110, Honolulu, HI 96814-4700; phone (808) 944-2200; fax (808) 973-2941.

Written comments on these applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Laura Morse or Joselyd Garcia-Reyes, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

On November 23, 2011, a notice was published in the **Federal Register** (76 FR 72389) that a request for a permit to conduct research on marine mammals had been submitted by the above-named

applicant. The Pacific Whale Foundation proposes to conduct vessel based research on humpback whales in Maui County waters, Hawaii to quantify the potential for near misses between vessels and humpback whales, and define the probability of 'surprise encounters' with humpback whales in relation to time of day, environmental variables, vessel behavior, whale abundance, and individual sex and age classes. Up to 567 humpback whales may be approached annually for photo-identification and behavioral observation and all Hawaiian insular false killer whales (*Pseudorca crassidens*) may be incidentally harassed by the research activities.

Under the pending permit application, The Pacific Whale Foundation is requesting a change in Principal Investigator (PI) due to personnel changes within their organization. They request to have Gregory Kaufman be designated as the new PI. No other changes to the permit application are requested.

Dated: April 25, 2012.

Tammy C. Adams,

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

[FR Doc. 2012-10492 Filed 4-30-12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XB063

Takes of Marine Mammals Incidental to Specified Activities; Marine Geophysical Survey in the Northwest Pacific Ocean, March Through May, 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) regulation, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to Lamont-Doherty Earth Observatory (L-DEO), a part of Columbia University, for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting a marine geophysical (seismic) survey in the northwest Pacific Ocean, March through May, 2012.

DATES: Effective March 24 through May 7, 2012.

ADDRESSES: An electronic copy of the IHA and application containing a list of the references used in this document may be obtained 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 20910-3225 or by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

An electronic copy of the application containing a list of the 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 by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

The following associated documents are also available at the same internet address: The National Science Foundation's (NSF) draft Environmental Analysis (EA) pursuant to Executive Order 12114. The EA incorporates an "Environmental Assessment of a Marine Geophysical Survey by the R/V *Marcus G. Langseth* in the Northwest Pacific Ocean, March-April, 2012," prepared by LGL Limited, on behalf of NSF; and a finding of no significant impact (FONSI) prepared by the NSF. NMFS prepared its own EA and FONSI, which is available at the same Internet address. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

The NMFS Biological Opinion will be available online at: <http://www.nmfs.noaa.gov/pr/consultation/opinions.htm>.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, 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.