

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

RIN 0648–XC124

**Advisory Committee and Species Working Group Technical Advisor Appointment**

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

**ACTION:** Nominations.

**SUMMARY:** NMFS is soliciting nominations to the Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT) as established by the Atlantic Tunas Convention Act (ATCA). NMFS is also soliciting nominations for technical advisors to the Advisory Committee's species working groups.

**DATES:** Nominations must be received by October 1, 2012.

**ADDRESSES:** Nominations should be sent via email (*Rachel.O'Malley@noaa.gov*). In the alternative, nominations may be sent via mail to Rachel O'Malley at NMFS, Office of International Affairs, Room 12622, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Rachel O'Malley, Office of International Affairs, 301–427–8373.

**SUPPLEMENTARY INFORMATION:** Section 971b of ATCA (16 U.S.C. 971 et seq.) requires that an advisory committee be established that shall be comprised of: (1) Not less than five nor more than 20 individuals appointed by the U.S. Commissioners to ICCAT who shall select such individuals from the various groups concerned with the fisheries covered by the ICCAT Convention; and (2) the chairs (or their designees) of the New England, Mid-Atlantic, South Atlantic, Caribbean, and Gulf Fishery Management Councils. Each member of the Advisory Committee appointed under paragraph (1) shall serve for a term of two years and be eligible for reappointment. All members of the Advisory Committee are appointed in their individual professional capacity and undergo a background screening. Any individual appointed to the Committee who is unable to attend all or part of an Advisory Committee meeting may not appoint another person to attend such meetings as his or her proxy. Members of the Advisory Committee shall receive no compensation for their services. The Secretary of Commerce and the

Secretary of State may pay the necessary travel expenses of members of the Advisory Committee. There are currently 20 appointed Advisory Committee members. The terms of these members expire on December 31, 2012.

Section 971b(1) of ATCA specifies that the U.S. Commissioners may establish species working groups for the purpose of providing advice and recommendations to the U.S. Commissioners and to the Advisory Committee on matters relating to the conservation and management of any highly migratory species covered by the ICCAT Convention. Any species working group shall consist of no more than seven members of the Advisory Committee and no more than four technical advisors, as considered necessary by the Commissioners. Currently, there are five species working groups advising the Committee and the U.S. Commissioners: a Bluefin Tuna Working Group, a Swordfish Working Group, a Sharks Working Group, a Billfish Working Group, and a Bigeye Tuna, Albacore, Yellowfin, and Skipjack (BAYS) Tunas Working Group. Technical Advisors to the species working groups serve at the request of the Commissioners; therefore the Commissioners can choose to alter these appointments at any time. As with Committee Members, Technical Advisors may not be represented by a proxy during any official meetings of the Advisory Committee.

Nominations to the Advisory Committee or to a species working group should include a letter of interest and a resume or curriculum vitae. Self-nominations are acceptable. Letters of recommendation are useful but not required. When making a nomination, please specify which appointment (Advisory Committee member or technical advisor to a species working group) is being sought. Nominees may also indicate which of the species working groups is preferred, although placement on the requested group is not guaranteed.

Dated: July 20, 2012.

**Christopher Rogers,**

*Acting Director, Office of International Affairs, National Marine Fisheries Service.*

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**BILLING CODE 3510–22–P**

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

RIN 0648–XC117

**Supplement to the Draft Programmatic Restoration Plan and Programmatic Environmental Impact Statement**

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

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) and the U.S. Department of the Interior, Fish and Wildlife Service, Washington Department of Ecology and Washington Department of Fish and Wildlife, Suquamish Tribe, Muckleshoot Indian Tribe, U.S. Army Corps of Engineers, and the U.S. Environmental Protection Agency are collectively referred to as the Trustee Council for this case. The Trustee Council is providing notice that the Supplement to the Draft Programmatic Restoration Plan and Programmatic Environmental Impact Statement (RP/PEIS) are being released for public comment. The Restoration Plan identifies a restoration approach to compensate for injuries to natural resources in the Lower Duwamish River. The Trustees seek damages from potentially responsible parties (PRPs) to restore, rehabilitate, replace or acquire the equivalent of natural resources and services injured by the release of hazardous substances in the Lower Duwamish River. This notice provides details on the availability of and opportunity to comment on the Supplement to the Draft Programmatic Restoration Plan and PEIS. Comments may be submitted in written form or verbally at a public meeting.

**DATES:** Written comments must be received by October 10, 2012.

Public meetings to discuss and comment on the Draft RP/PEIS will be held as follows:

- *Wednesday, August 22, 2012, 6:30–8:30 p.m.,* South Seattle Community College, 6737 Corson Ave. South, Seattle, WA, 98108–3450.
- *Thursday, August 23, 2012, 10–11:30 a.m.,* South Seattle Community College, 6737 Corson Ave. South, Seattle, WA, 98108–3450.

**ADDRESSES:** Written comments on the Supplement to the Draft RP/PEIS should be sent to Rebecca Hoff, NOAA DARC NW., 7600 Sand Point Way NE., Seattle, WA 98115. Comments may be

submitted electronically to *mailto:DuwamishPEIS.DARRP@noaa.gov*.

The Supplement to the Draft Restoration Plan and PEIS are available for viewing at the following locations:

- Seattle Central Library, General Reference Desk, 1000 Fourth Ave., Seattle, WA 98104
- Delridge Library, General Reference Desk, 5423 Delridge Way SW., Seattle, WA 98106
- South Park Library, General Reference Desk, 8604 Eighth Ave. S. at South Cloverdale Street, Seattle, WA 98108

A full electronic copy may be downloaded at: <http://www.darrp.noaa.gov/northwest/lowerduwamishriver/index.html>.

**FOR FURTHER INFORMATION CONTACT:**

Rebecca Hoff at (206) 526-6276 or email at *Rebecca.Hoff@noaa.gov*.

**SUPPLEMENTARY INFORMATION:** The Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), the Oil Pollution Act (OPA) of 1990, the Clean Water Act (CWA), the National Oil and Hazardous Substances Pollution Contingency Plan (National Contingency Plan [NCP]), and other applicable federal and state laws and regulations provide a legal framework for addressing injuries to the nation's natural resources resulting from releases of hazardous substances and discharges of oil. The National Environmental Policy Act (NEPA) of 1960 requires an assessment of any federal action that may impact the environment, in this case development of a Restoration Plan.

Hazardous substance releases into the Lower Duwamish River (LDR) have resulted in the contamination of the sediments and injuries to natural resources. The Elliott Bay Trustee Council (Trustees) is developing the Lower Duwamish River Natural Resource Damage Assessment (LDR/NRDA) to determine the extent of injuries to natural resources resulting from these releases. Natural resources include fish, shellfish, wildlife, sediments, water quality, and the services they provide. Trustees are also determining how to restore injured natural resources and lost resource services. The Restoration Plan, which will guide decision-making regarding the implementation of LDR/NRDA restoration activities, is also a Programmatic Environmental Impact Statement (PEIS). The PEIS analyzes the environmental impacts of the alternatives that may be employed by the Trustees to restore, replace, rehabilitate, and/or acquire the equivalent of the injured natural resources and their services. The

Trustees evaluated three alternatives—the No-Action Alternative, which is required to be included in the analysis; the Species-Specific Restoration Alternative and the Integrated Habitat Restoration Alternative. The Trustees' preferred alternative is Integrated Habitat Restoration, which is a comprehensive plan based on restoration of key habitats that, together, will benefit the range of different resources injured by releases of hazardous substances in the LDR. In addition, the Trustees have included a detailed description of the methodology considered for use in a settlement based approach to injury assessment for the Lower Duwamish River.

A previous draft RP/PEIS was made available for public review on May 22, 2009 (74 FR 25735, pages 25735-5736, EIS No. 20090171), with the comment period ending on July 28, 2009. In the current document, the Trustees added more detail about the injury assessment and restoration valuation methodology used in the LDR/NRDA, as requested in some of the comments received on the previous draft, and made some other more minor changes to address other comments.

The Trustee Council has opened an Administrative Record (Record). The Record includes documents that the Trustees relied upon during the development of the Draft Restoration Plan and Draft PEIS. The Record is on file at the offices of NOAA. The Record is also available at: <http://www.darrp.noaa.gov/northwest/lowerduwamishriver/admin.html>

Dated: July 20, 2012.

**Brian T. Pawlak,**

*Acting Director, Office of Habitat Conservation, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC108**

#### **Magnuson-Stevens Act Provisions; General Provisions for Domestic Fisheries; Application for Exempted Fishing Permits**

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

**ACTION:** Notice; request for comments

**SUMMARY:** The Regional Administrator, Southwest Region, NMFS, has made a

preliminary determination that an application for an Exempted Fishing Permit (EFP) warrants further consideration. The application was submitted by members of the Pacific sardine fishing industry who request an exemption from seasonal closures of the directed fishery to conduct a survey designed to estimate the population size of Pacific sardine. NMFS requests public comment on the application.

**DATES:** Comments must be received by August 10, 2012.

**ADDRESSES:** You may submit comments on this notice identified by 0648-XC108 by any one of the following methods:

- *Mail:* Rodney R. McInnis, Regional Administrator, Southwest Region, NMFS, 501 West Ocean Blvd., Suite 4200, Long Beach, CA 90802.
- *Fax:* (562)980-4047, Att: Joshua Lindsay

**FOR FURTHER INFORMATION CONTACT:** A copy of the application can viewed at the following Web site <http://swr.nmfs.noaa.gov/fmd/cps/>; or by contacting Joshua Lindsay, Southwest Region, NMFS, (562) 980-4034.

**SUPPLEMENTARY INFORMATION:** On April 3, 2012, NMFS published a proposed rule to implement the harvest guideline (HG) and annual specifications for the 2012 Pacific sardine fishing season off the U.S. West Coast (77 FR 19991). As part of these management measures the Pacific Fishery Management Council recommended, and NMFS proposed, that 3,000 metric tons (mt) of the maximum harvest guideline (HG) be initially subtracted and set aside for potential industry-based research projects or EFPs. The 3,000 mt set-aside was intended to allow for potential research fishing in the second seasonal period (July 1—September 14, 2012) to occur if that period's directed fishery allocation is reached and directed fishing is closed.

An EFP would allow the fishing activities proposed by the applicants to occur when directed fishing is not allowed. At the April 2012 Council meeting, the Council recommended that NMFS issue an EFP for the total 3,000 mt of the 3,000 mt initially set aside. The applicants proposed the use of 3,000 mt to replicate summer surveys conducted under EFPs approved in 2009, 2010, and 2011.

One of the goals set forth in the EFP application is the development of an index of biomass for Pacific sardine, with the desire that this index be included in the subsequent Pacific sardine stock assessment. If NMFS does not issue this EFP, then the set-aside will be re-allocated to the third period's directed harvest allocation. Likewise,