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[FR Doc. 2012-18091 Filed 7-30-12; 8:45 am]
BILLING CODE 6560-50-P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

44 CFR Part 67

[Docket ID FEMA-2012-0003]

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Final rule.

SUMMARY: Base (1% annual-chance) Flood Elevations (BFEs) and modified BFEs are made final for the communities listed below. The BFEs and modified BFEs are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing BFEs and modified BFEs for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated in the table below.

ADDRESSES: The final BFEs for each community are available for inspection at the office of the Chief Executive Officer of each community. The

respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Luis Rodriguez, Chief, Engineering Management Branch, Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646-4064, or (email) Luis.Rodriguez3@fema.dhs.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the modified BFEs for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Deputy Associate Administrator for Mitigation has resolved any appeals resulting from this notification.

This final rule is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and FIRM available at the address cited below for each community. The BFEs and modified BFEs are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act. This final rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Consideration. An

environmental impact assessment has not been prepared.

Regulatory Flexibility Act. As flood elevation determinations are not within the scope of the Regulatory Flexibility Act, 5 U.S.C. 601-612, a regulatory flexibility analysis is not required.

Regulatory Classification. This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Executive Order 13132, Federalism. This final rule involves no policies that have federalism implications under Executive Order 13132.

Executive Order 12988, Civil Justice Reform. This final rule meets the applicable standards of Executive Order 12988.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, Flood insurance, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67-[AMENDED]

1. The authority citation for part 67 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Table with 5 columns: State, City/town/county, Source of flooding, Location, and Elevation data. Includes a section for Unincorporated Areas of Solano County, California, Docket No.: FEMA-B-1200, with specific data for Sweany Creek.

\* National Geodetic Vertical Datum.
+ North American Vertical Datum.
# Depth in feet above ground.
^ Mean Sea Level, rounded to the nearest 0.1 meter.

ADDRESSES

Unincorporated Areas of Solano County

Maps are available for inspection at the Solano County Public Works Department, 675 Texas Street, Suite 5500, Fairfield, CA 94533.

State	City/town/county	Source of flooding	Location	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified
<b>City of Colonial Heights, Virginia Docket No.: FEMA-B-1198</b>				
Virginia .....	City of Colonial Heights ..	Old Town Creek .....	Approximately 0.63 mile downstream of Conduit Road. Approximately 0.48 mile upstream of the railroad ....	+11 +68

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Colonial Heights**

Maps are available for inspection at 202 James Avenue, Colonial Heights, VA 23834.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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**Grundy County, Illinois, and Incorporated Areas  
Docket No.: FEMA-B-1104**

Claypool Ditch .....	Approximately at Carbon Hill Road .....	+546 +546	Village of Carbon Hill.
Des Plaines River .....	Approximately 0.38 mile upstream of Carbon Hill Road .... Approximately 1.75 miles upstream of the upstream side of the Dresden Island Lock and Dam.	+510	Unincorporated Areas of Grundy County, Village of Channahon.
East Fork Mazon River .....	Approximately 0.1 mile upstream of Will Road extended ... Approximately 1,275 feet downstream of Rice Street .....	+510 +581	Village of East Brooklyn.
Gooseberry Creek .....	Approximately at Rice Street .....	+582	Unincorporated Areas of Grundy County, Village of Dwight.
	Approximately 750 feet upstream of Old Mazon Road .....	+612	
Illinois River .....	Approximately 425 feet upstream of U.S. Route 66 .....	+620	City of Morris, Unincorporated Areas of Grundy County, Village of Channahon, Village of Seneca.
	Approximately 0.4 mile downstream of the railroad .....	+497	
	Just downstream of the Dresden Island Lock and Dam ....	+507	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Morris**

Maps are available for inspection at City Hall, 700 North Division Street, Morris, IL 60450.

**Unincorporated Areas of Grundy County**

Maps are available for inspection at the Grundy County Administration Building, 1320 Union Street, Morris, IL 60450.

**Village of Carbon Hill**

Maps are available for inspection at the Village Hall, 695 North Holcomb Street, Carbon Hill, IL 60416.

**Village of Channahon**

Maps are available for inspection at the Village Hall, 24555 South Navajo Drive, Channahon, IL 60410.

**Village of Dwight**

Maps are available for inspection at the Dwight Public Services Complex, 209 South Prairie Avenue, Dwight, IL 60420.

**Village of East Brooklyn**

Maps are available for inspection at the Village Hall, 170 Monroe Street, East Brooklyn, IL 60474.

**Village of Seneca**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Maps are available for inspection at the Village Hall, 340 North Cash, Seneca, IL 61360.

**Warrick County, Indiana, and Incorporated Areas  
Docket No.: FEMA-B-7753**

Kelly Ditch .....	Approximately 900 feet upstream of the confluence with Cypress Creek.	+388	City of Boonville, Unincorporated Areas of Warrick County.
Summer Pecka Ditch .....	Approximately 1,650 feet upstream of Baker Road ..... Approximately 2,500 feet downstream of Anderson Road	+398 +383	Unincorporated Areas of Warrick County.
	Approximately 3,900 feet upstream of Martin Drive .....	+395	

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Boonville**

Maps are available for inspection at 135 South Second Street, Boonville, IN 47601.

**Unincorporated Areas of Warrick County**

Maps are available for inspection at the Warrick County Historic Courthouse, 107 West Locust Street, Room 201, Boonville, IN 47601.

**Lawrence County, Missouri, and Incorporated Areas  
Docket No.: FEMA-B-1105**

Chapel Drain .....	Approximately 50 feet upstream of Farm Road 1090 .....	+1335	Unincorporated Areas of Lawrence County.
Clear Creek .....	Approximately 0.71 mile upstream of Farm Road 1090 ..... Approximately 250 feet downstream of Farm Road 1050 ..	+1379 +1233	Unincorporated Areas of Lawrence County.
Kelly Creek Tributary .....	Just upstream of the Barry County boundary ..... Approximately 0.45 mile downstream of Farm Road 2230	+1243 +1365	Unincorporated Areas of Lawrence County.
Tributary No. 1 .....	Approximately 100 feet upstream of Farm Road 2230 ..... Approximately 50 feet upstream of the Unnamed Tributary confluence.	+1401 +1326	Unincorporated Areas of Lawrence County.
Tributary 2 .....	Approximately 275 feet upstream of State Highway 37 ..... Just upstream of the Unnamed Tributary confluence .....	+1333 +1357	Unincorporated Areas of Lawrence County.
Unnamed Tributary .....	Approximately 900 feet upstream of State Route H ..... Approximately 1,675 feet downstream of the Barry County boundary.	+1377 +1277	Unincorporated Areas of Lawrence County.
Unnamed Tributary Number 1 ..	Approximately 550 feet upstream of Farm Road 2230 ..... Approximately 200 feet downstream of Washington Avenue.	+1383 +1372	City of Aurora.
Unnamed Tributary Number 2 ..	Approximately 525 feet upstream of Union Street ..... Approximately 600 feet upstream of South Street .....	+1406 +1359	City of Aurora.
Unnamed Tributary Number 3 ..	Approximately 100 feet upstream of Prospect Street ..... Approximately 250 feet upstream of the Unnamed Tributary Number 2 confluence.	+1402 +1376	City of Aurora.
Unnamed Tributary Number 4 ..	At Tyler Drive ..... Approximately 215 feet upstream of Saint Louis Street ..... Approximately 650 feet upstream of Lincoln Avenue .....	+1390 +1361 +1381	City of Aurora.

\* National Geodetic Vertical Datum.  
+ North American Vertical Datum.  
# Depth in feet above ground.  
^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Aurora**

Maps are available for inspection at City Hall, 2 West Pleasant Street, Aurora, MO 65605.

**Unincorporated Areas of Lawrence County**

Maps are available for inspection at the Lawrence County Courthouse, 1 East Courthouse Square, Mt. Vernon, MO 65712.

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
<b>Madison County, Missouri, and Incorporated Areas</b> <b>Docket No.: FEMA-B-1142 and FEMA-B-1170</b>			
Little Saint Francis River .....	Approximately 675 feet downstream of U.S. Route 67 .....	+689	City of Fredericktown, Unincorporated Areas of Madison County.
Little Saint Francis River Tributary 1.	Approximately 1.3 miles downstream of County Road 220	+743	City of Fredericktown, Unincorporated Areas of Madison County.
	At the confluence with the Little Saint Francis River .....	+700	
Mill Creek (backwater effects from Little Saint Francis River).	Just downstream of County Road 218 .....	+769	Unincorporated Areas of Madison County.
	From the confluence with the Little Saint Francis River to approximately 665 feet downstream of County Road 500.	+690	
Saline Creek .....	At the confluence with the Little Saint Francis River .....	+703	Unincorporated Areas of Madison County.
Spiva Creek (backwater effects from Little Saint Francis River).	Approximately 550 feet downstream of the confluence with Goose Creek.	+736	Unincorporated Areas of Madison County.
	From the confluence with the Little Saint Francis River to just upstream of County Road 201.	+692	
Tollar Branch .....	At the confluence with Saline Creek .....	+713	City of Fredericktown, Unincorporated Areas of Madison County, Village of Cobalt.
Village Creek .....	Approximately 1,310 feet upstream of Mine LaMotte Street.	+788	City of Fredericktown, City of Junction City, Unincorporated Areas of Madison County.
	At the confluence with the Little Saint Francis River .....	+704	
	Approximately 550 feet upstream of Catherine Mine Road	+710	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES****City of Fredericktown**

Maps are available for inspection at City Hall, 124 West Main Street, Fredericktown, MO 63645.

**City of Junction City**

Maps are available for inspection at the Madison County Courthouse, 1 Courthouse Square, Fredericktown, MO 63645.

**Unincorporated Areas of Madison County**

Maps are available for inspection at the Madison County Courthouse, 1 Courthouse Square, Fredericktown, MO 63645.

**Village of Cobalt**

Maps are available for inspection at the Madison County Courthouse, 1 Courthouse Square, Fredericktown, MO 63645.

**Dauphin County, Pennsylvania (All Jurisdictions)****Docket No.: FEMA-B-1100 and FEMA-B-1193**

Beaver Creek (Upper Reach) ...	Approximately 1,540 feet below Devonshire Heights Road	+381	Township of Lower Paxton.
	Approximately 160 feet above the confluence with Beaver Creek Tributary A.	+432	
Mahantango Creek .....	Approximately 1.88 miles upstream of Malta Road .....	+434	Township of Mifflin.
	Approximately 0.38 mile downstream of Market Street .....	+470	
Paxton Creek .....	Approximately 2,285 feet above the confluence with Paxton Tributary.	+321	City of Harrisburg.
	Approximately 4,000 feet above confluence with the centerline of the Susquehanna River.	+325	
Rattling Creek .....	Approximately 185 feet upstream of Glen Park Road .....	+762	Township of Jackson.
	Approximately 630 feet upstream of Glen Park Road .....	+768	
Susquehanna River .....	At Whitehouse Lane (295 feet northeast of Cherry Avenue).	+304	Borough of Steelton.
	Approximately 840 feet northwest of the intersection of Franklin Street and the railroad.	+313	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Swatara Creek .....	Approximately 2,100 feet downstream of the confluence with Bow Creek.	+348	Township of East Hanover.
Wiconisco Creek (Upper Reach).	At the Lebanon County boundary ..... Approximately 1.26 miles downstream of the Rattling Creek confluence. Approximately 1.11 miles downstream of the Rattling Creek confluence.	+359 +603 +606	Township of Washington.

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Borough of Steelton**

Maps are available for inspection at the Borough Hall, 123 North Front Street, Steelton, PA 17113.

**City of Harrisburg**

Maps are available for inspection at the City Government Center, 10 North 2nd Street, Harrisburg, PA 17101.

**Township of East Hanover**

Maps are available for inspection at the East Hanover Township Municipal Building, 8848 Jonestown Road, Grantville, PA 17028.

**Township of Jackson**

Maps are available for inspection at the Jackson Township Building, 450 Bastion Road, Halifax, PA 17032.

**Township of Lower Paxton**

Maps are available for inspection at the Lower Paxton Township Municipal Building, 425 Prince Street, Harrisburg, PA 17109.

**Township of Mifflin**

Maps are available for inspection at the Mifflin Township Building, 3843 Shippen Dam Road, Millersburg, PA 17061.

**Township of Washington**

Maps are available for inspection at the Washington Township Municipal Building, 185 Manors Road, Elizabethville, PA 17023.

**Wyoming County, Pennsylvania (All Jurisdictions)  
 Docket No.: FEMA-B-1185**

Bowman Creek .....	Approximately 250 feet upstream of Keelersburg Road .....	+605	Township of Eaton, Township of Monroe.
	Approximately 1.02 miles upstream of the most upstream crossing of State Route 29 (Joseph W. Hunter Highway).	+931	
Buttermilk Creek .....	Approximately 1.1 miles downstream of State Route 2027	+784	Township of Falls.
	Approximately 460 feet upstream of Oak Drive .....	+961	
South Branch Tunkhannock Creek.	Approximately 0.4 mile downstream of State Route 2012	+713	Borough of Factoryville, Township of Clinton.
	Approximately 0.6 mile upstream of Church Street .....	+838	
Susquehanna River .....	Approximately 1.0 mile upstream of the Falls/Exeter State Route 92 crossing.	+585	Township of North Moreland.
	Approximately 2.5 miles upstream of the Falls/Exeter State Route 92 crossing.	+589	
Swale Brook .....	At the downstream side of the railroad bridge .....	+609	Borough of Tunkhannock, Township of Tunkhannock.
	Approximately 0.7 mile upstream of Bridge Street .....	+655	
Tributary No. 1 to Swale Brook	At the Swale Brook confluence .....	+617	Borough of Tunkhannock.
	Approximately 75 feet upstream of North Bridge Street .....	+723	
Tunkhannock Creek .....	Approximately 425 feet downstream of the second U.S. Route 6 crossing.	+609	Township of Tunkhannock.
	Approximately 1.7 miles upstream of the most upstream U.S. Route 6 crossing.	+643	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Borough of Factoryville**

Maps are available for inspection at the Borough Municipal Building, 161 College Avenue, Factoryville, PA 18419.

**Borough of Tunkhannock**

Maps are available for inspection at the Tunkhannock Borough Municipal Building, 126 Warren Street, Tunkhannock, PA 18657.

**Township of Clinton**

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
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Maps are available for inspection at the Clinton Township Municipal Building, 256 Creek Road, Factoryville, PA 18419.

**Township of Eaton**

Maps are available for inspection at the Eaton Township Municipal Building, 1331 State Route 29 South, Tunkhannock, PA 18657.

**Township of Falls**

Maps are available for inspection at the Township Municipal Building, 220 Buttermilk Road, Falls, PA 18615.

**Township of Monroe**

Maps are available for inspection at the Monroe Township Municipal Building, 2605 State Route 29 South, Monroe, PA 18657.

**Township of North Moreland**

Maps are available for inspection at the North Moreland Township Municipal Building, 15 Municipal Lane, Dallas, PA 18612.

**Township of Tunkhannock**

Maps are available for inspection at the Tunkhannock Township Municipal Building, 113 Tunkhannock Township Drive, Tunkhannock, PA 18657.

**Palo Pinto County, Texas, and Incorporated Areas  
Docket No.: FEMA-B-1147 and FEMA-B-1216**

Brazos River .....	Approximately 7.89 miles downstream of the confluence with Palo Pinto Creek.	+768	Unincorporated Areas of Palo Pinto County.
	Approximately 5.43 miles downstream of the confluence with Palo Pinto Creek.	+773	
Crystal Creek .....	Just upstream of 16th Street .....	+915	City of Mineral Wells.
	Just upstream of 2nd Street .....	+960	
Pollard Creek .....	Approximately 387 feet upstream of Ferguson Road .....	+836	Unincorporated Areas of Palo Pinto County.
Pollard Creek Tributary No. 1 ...	Approximately 118 feet downstream of Pollard Park Road	+921	
	Just upstream of Southwest 22nd Street .....	+844	Unincorporated Areas of Palo Pinto County.
Pollard Creek Tributary No. 2 ...	Just downstream of Southwest 10th Street .....	+861	
	Approximately 140 feet downstream of 2nd Street .....	+879	Unincorporated Areas of Palo Pinto County.
Pollard Creek Tributary No. 5 ...	Approximately 1,250 feet upstream of 2nd Street .....	+882	
	Approximately 850 feet upstream of Northeast 23rd Street	+1032	Unincorporated Areas of Palo Pinto County.
Rock Creek .....	Just upstream of Northeast 23rd Street .....	+1049	
	Just upstream of FM 1195 .....	+846	Unincorporated Areas of Palo Pinto County.
Rock Creek Tributary No. 1 .....	Approximately 0.82 mile upstream of FM 1195 .....	+857	
	Approximately 425 feet upstream of Northeast 23rd Street	+972	Unincorporated Areas of Palo Pinto County.
Rock Creek Tributary No. 2 .....	Approximately 600 feet upstream of Northeast 23rd Street	+972	
	At the upstream side of FM 1195 .....	+846	Unincorporated Areas of Palo Pinto County.
	Approximately 0.64 mile downstream of Garrett Morris Parkway.	+858	

\* National Geodetic Vertical Datum.

+ North American Vertical Datum.

# Depth in feet above ground.

^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**City of Mineral Wells**

Maps are available for inspection at City Hall, 115 Southwest 1st Street, Mineral Wells, TX 76068.

**Unincorporated Areas of Palo Pinto County**

Maps are available for inspection at the Palo Pinto County Courthouse, 520 Oak Street, Palo Pinto, TX 76484.

**Wirt County, West Virginia, and Incorporated Areas  
Docket No.: FEMA-B-1188**

Daley Run .....	Approximately 1,400 feet downstream of County Route 14/1.	+610	Unincorporated Areas of Wirt County.
Little Kanawha River .....	Approximately 500 feet downstream of County Route 14/1	+610	
	Approximately 1.8 miles downstream of the Hughes River confluence.	+610	Unincorporated Areas of Wirt County.
	Approximately 4.2 miles downstream of the Hughes River confluence.	+610	

Flooding source(s)	Location of referenced elevation	* Elevation in feet (NGVD) + Elevation in feet (NAVD) # Depth in feet above ground ^ Elevation in meters (MSL) Modified	Communities affected
Little Kanawha River .....	Approximately 1.4 miles downstream of State Route 5 .....	+623	Unincorporated Areas of Wirt County.
Tucker Creek .....	Approximately 650 feet downstream of State Route 5 ..... At the Little Kanawha River confluence .....	+625 +623	Unincorporated Areas of Wirt County.
	Approximately 1.1 miles upstream of the Little Kanawha River confluence.	+623	

\* National Geodetic Vertical Datum.  
 + North American Vertical Datum.  
 # Depth in feet above ground.  
 ^ Mean Sea Level, rounded to the nearest 0.1 meter.

**ADDRESSES**

**Unincorporated Areas of Wirt County**

Maps are available for inspection at the Wirt County Courthouse, Corner Court of Washington Street, Elizabeth, WV 26143.

(Catalog of Federal Domestic Assistance No. 97.022, "Flood Insurance.")

Dated: July 19, 2012.  
**Sandra K. Knight,**  
*Deputy Associate Administrator for Mitigation, Department of Homeland Security, Federal Emergency Management Agency.*  
 [FR Doc. 2012-18668 Filed 7-30-12; 8:45 am]  
**BILLING CODE 9110-12-P**

**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**50 CFR Part 229**

[Docket No. 110202088-2252-02]

RIN 0648-BA34

**Taking of Marine Mammals Incidental to Commercial Fishing Operations; Bottlenose Dolphin Take Reduction Plan**

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

**ACTION:** Final rule.

**SUMMARY:** The National Marine Fisheries Service (NMFS) issues this final rule amending the Bottlenose Dolphin Take Reduction Plan (BDTRP) and its implementing regulations by permanently continuing nighttime fishing restrictions of medium mesh gillnets operating in North Carolina coastal state waters from November 1 through April 30. Members of the Bottlenose Dolphin Take Reduction

Team (Team) recommended these regulations be continued permanently, without modification, to ensure that BDTRP goals are met through continued conservation of strategic bottlenose dolphin stocks in North Carolina, which have historically high serious injury and mortality rates associated with medium mesh gillnets. NMFS also amends the BDTRP with updates, including updates recommended by the Team for non-regulatory conservation measures.

**DATES:** This final rule is effective August 30, 2012.

**ADDRESSES:** The proposed rule, BDTRP, 2008 BDTRP amendment, Team meeting summaries with consensus recommendations, and other background documents are available at the Take Reduction Team Web site: <http://www.nmfs.noaa.gov/pr/interactions/trt/bdtrp.htm>, or by submitting a request to Stacey Horstman (see **FOR FURTHER INFORMATION CONTACT**).

**FOR FURTHER INFORMATION CONTACT:** Stacey Horstman, NMFS Southeast Region, [Stacey.Horstman@noaa.gov](mailto:Stacey.Horstman@noaa.gov), 727-824-5312; or Kristy Long, NMFS Office of Protected Resources, [Kristy.Long@noaa.gov](mailto:Kristy.Long@noaa.gov), 301-427-8402.

**SUPPLEMENTARY INFORMATION:**

**Background**

In accordance with section 118(f)(7)(F) of the Marine Mammal Protection Act (MMPA), this final rule implements an amendment to the BDTRP (71 FR 24776). The BDTRP was originally published on April 26, 2006, and amended on December 19, 2008 (73 FR 77531). Details regarding the development and justification of this final rule were provided in the preamble

of the proposed rule (77 FR 21946; April 12, 2012) and are not repeated here.

**Nighttime Medium Mesh Gillnet Fishing Restrictions in North Carolina**

This final rule removes the sunset date to permanently continue, without modification, nighttime medium mesh fishing restrictions in North Carolina coastal state waters. Specifically, prohibitions of nighttime medium mesh (greater than 5-inch (12.7 cm) to less than 7-inch (17.8 cm)) gillnets in North Carolina coastal state waters from November 1 through April 30 will continue annually.

**Comments on the Proposed Rule and Responses**

NMFS received four comment letters on the proposed rule via mail, fax, or [www.regulations.gov](http://www.regulations.gov). Comments were received from The Humane Society of the United States and the Whale and Dolphin Conservation Society, the Marine Mammal Commission, the United States Fish and Wildlife Service, and one citizen. The comments are summarized below under regulatory or non-Regulatory changes to the BDTRP. NMFS' response follows each comment.

*Comments on Regulatory Changes to the BDTRP*

*Comment 1:* Three commenters expressed support for permanently adopting the nighttime seasonal medium mesh gillnet restrictions in North Carolina coastal state waters and recommended NMFS adopt these measures as proposed.

*Response:* NMFS appreciates the commenters' support and is finalizing these measures as proposed.