

DPS), which is a NMFS Species of Concern.

**DATES:** To allow adequate time to conduct this review, we must receive your information no later than December 24, 2012.

**ADDRESSES:** You may submit comments on this document, identified by NOAA–NMFS–2012–0198, by any of the following methods:

- **Electronic Submissions:** 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–2012–0198 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 or hand-delivery:** Chris Yates, ATTN: Green Sturgeon Status Review, National Marine Fisheries Service, Southwest Region, Protected Resources Division, 501 West Ocean Blvd., Suite 4200, Long Beach, CA, 90802–4213.

**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 information that you wish to protect from disclosure. 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:** Melissa Neuman, NMFS Southwest Region, Protected Resources Division, 562–980–4115.

**SUPPLEMENTARY INFORMATION:** Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Southern DPS of green sturgeon currently listed as threatened.

### Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of the Southern DPS since the listing determination in 2006. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends, distribution, abundance, demographics, and genetics; (2) habitat conditions including, but not limited to, amount, distribution, and suitability; (3) conservation measures that have been implemented that benefit the species; (4) status and trends of threats; (5) other new information, data, or improved analytical methods; and (6) corrections including, but not limited to, taxonomic or nomenclatural changes. The Southern DPS consists of populations originating from coastal and Central Valley watersheds south of the Eel River in California, with the only known spawning population in the Sacramento River. NMFS also seeks new information available on the Northern DPS, consisting of populations originating from coastal watersheds north of and including the Eel River. The Northern DPS is listed as a NMFS Species of Concern. At the time of the Southern DPS proposed listing, NMFS volunteered to revisit and update, if necessary, the Northern DPS’ status in five years time (70 FR 17386; April 6, 2005). Therefore, any information submitted regarding the Northern DPS will not be used as part of a formal 5-year status review, but rather an informal assessment of the DPS’ status to verify whether its current position on the Species of Concern List is still appropriate.

Any new information will be considered during the 5-year review and will also be useful in evaluating ongoing research and conservation activities and may be incorporated into the final recovery plan for the Southern DPS.

**Authority:** 16 U.S.C. 1531 *et seq.*

Dated: October 18, 2012.

**Angela Somma,**

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

[FR Doc. 2012–26237 Filed 10–23–12; 8:45 am]

**BILLING CODE 3510–22–P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

**RIN 0648–XC308**

#### Gulf of Mexico 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 Gulf of Mexico Fishery Management Council will convene a webinar of the Standing and Special Reef Fish Scientific and Statistical Committees (SSC).

**DATES:** The webinar will convene at 1 p.m. on Thursday, November 8, 2012 and will conclude approximately 5 p.m.

**ADDRESSES:** The meeting will be held via webinar and is accessible by computers (Windows or Mac), or by iPhone, iPad, or Android device with the GoToMeeting app available from the App Store or Google Play. A registration link to sign up for the webinar will be available on the Council Web site.

*Council address:* Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607.

**FOR FURTHER INFORMATION CONTACT:** Steven Atran, Population Dynamics Statistician; Gulf of Mexico Fishery Management Council; telephone: (813) 348–1630.

**SUPPLEMENTARY INFORMATION:** The Standing and Special Reef Fish SSC will meet jointly via webinar on Thursday, November 8, 2012 to review an analysis of this year’s red snapper overharvest. Under a rule published on May 30, 2012 [77 FR 31734] the acceptable biological catch (ABC) for red snapper was set at 8.080 million pounds for 2012 and 8.690 million pounds for 2013, with 51 percent of the ABC allocated to a commercial quota and 49 percent to a recreational quota. The increase in the ABC 2013 was contingent upon the stock ABC not being exceeded in 2012. If the stock ABC was exceeded in 2012, the stock ABC and sector quotas would remain at the 2012 levels unless the best scientific information available

determines maintaining the quotas from the previous year is unnecessary. Preliminary estimates indicate that the 2012 recreational red snapper quota (3.959 mp) will be exceeded by 440,000–840,000 pounds, which will result in the 2012 ABC being exceeded. As a result, the National Marine Fisheries Service Southeast Fisheries Science Center will evaluate the effect of this overharvest on the red snapper rebuilding plan. Based on the results of the analysis, the SSC will determine whether the 2013 ABC can be increased to its original level, to a different level, or should remain at the 2012 level.

Copies of the agenda and other related materials can be obtained by calling (813) 348–1630 or can be downloaded from the Council's ftp site, <ftp.gulfcouncil.org>.

Although other non-emergency issues not on the agenda may come before the Scientific and Statistical Committees for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Actions of the Scientific and Statistical Committees will be restricted to those issues specifically identified in the agenda and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Dated: October 18, 2012.

**Tracey L. Thompson,**

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

[FR Doc. 2012–26128 Filed 10–23–12; 8:45 am]

**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–BC69

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Replacement of the Elliott Bay Seawall in Seattle, WA

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the Seattle Department of

Transportation (SDOT), on behalf of the City of Seattle (City), for authorization for the take, by Level B harassment, of marine mammals incidental to construction associated with the replacement of the Elliott Bay Seawall in Seattle, Washington, for the period September 2013–September 2018.

Pursuant to Marine Mammal Protection Act (MMPA) implementing regulations, NMFS is announcing receipt of SDOT's request for the development and implementation of 5-year regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on SDOT's application and request.

**DATES:** Comments and information must be received no later than November 23, 2012.

**ADDRESSES:** Comments on the application should be addressed to Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is [ITP.Magliocca@noaa.gov](mailto:ITP.Magliocca@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427–8400.

#### SUPPLEMENTARY INFORMATION:

##### Availability

A copy of SDOT's application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

##### Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than

commercial fishing) within a specified geographical region if certain findings are made and either regulations are issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings are set forth. 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.”

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

On September 17, 2012, NMFS received a complete application from SDOT requesting authorization for the take of nine marine mammal species incidental to replacement of the Elliott Bay Seawall in Seattle, Washington over the course of 5 years, which would necessitate the promulgation of 5-year regulations. The purpose of the proposed project is to reduce the risks of coastal storm and seismic damage and to protect public safety, critical infrastructure, and associated economic activities in the area. Additionally, the project would improve the degraded ecosystem functions and processes of the Elliott Bay nearshore around the existing seawall. Noise produced during pile installation and removal activities has the potential to take marine mammals. SDOT requests authorization to take nine marine mammal species by Level B harassment only: Pacific harbor seal (*Phoca vitulina*), California sea lion (*Zalophus californianus*), Steller sea lion (*Eumetopias jubatus*), harbor porpoise (*Phocoena phocoena*), Dall's porpoise (*Phocoenoides dalli*), both