

floating cage tethered to a 28-ft vessel connected to a single-point mooring established at around 6,000 feet deep, approximately 5.5 nm west of Keauhou Bay, Hawaii.

NMFS published in the **Federal Register** a notice of availability of a draft EA and request for public comments on August 13, 2013 (78 FR 49258). NMFS received comments from eight individuals, and considered those comments by improving information in the baseline and the clarity of the final EA. None of the comments resulted in substantial changes to the analysis about the significance of impacts of the proposed action on the human environment in the final EA.

Based on the information in the final EA, NMFS determined that the action will not significantly impact the quality of the human environment.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 1, 2013.

James P. Burgess,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC960

Atlantic Highly Migratory Species; Advisory Panel

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

ACTION: Notice; solicitation of nominations.

SUMMARY: NMFS solicits nominations for the Atlantic Highly Migratory Species (HMS) Advisory Panel (AP). NMFS consults with and considers the comments and views of the HMS AP when preparing and implementing Fishery Management Plans (FMPs) or FMP amendments for Atlantic tunas, swordfish, sharks, and billfish.

Nominations are being sought to fill approximately one-third (11) of the seats on the HMS AP for a 3-year appointment. Individuals with definable interests in the recreational and commercial fishing and related industries, environmental community, academia, and non-governmental organizations are considered for membership in the HMS AP (note that there are no Academic terms expiring,

so no nominations for that sector will be considered at this time).

DATES: Nominations must be received on or before December 6, 2013.

ADDRESSES: You may submit nominations and requests for the Advisory Panel Statement of Organization, Practices, and Procedures by any of the following methods:

- *Email:* HMSAP.Nominations@noaa.gov. Include in the subject line the following identifier: "HMS AP Nominations."

- *Mail:* Jenni Wallace, Highly Migratory Species Management Division, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

- *Fax:* 301-713-1917.

FOR FURTHER INFORMATION CONTACT: Jenni Wallace at (301) 427-8503.

SUPPLEMENTARY INFORMATION:

Introduction

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), 16 U.S.C. 1801 *et seq.*, as amended by the Sustainable Fisheries Act, Public Law 104-297, provided that the Secretary may establish Advisory Panels to assist in the collection and evaluation of information relevant to the development of any Fishery Management Plan (FMP) or FMP amendment for any highly migratory species fishery that is under the Secretary's authority. NMFS has consulted with the HMS AP on: Amendment 1 to the Billfish FMP (April 1999); the HMS FMP (April 1999); Amendment 1 to the HMS FMP (December 2003); the 2006 Consolidated HMS FMP (October 2006); Amendments 1, 2, 3, 4, 5a, 5b, 6, 7, and 8 to the 2006 Consolidated HMS FMP (April and October 2008, February and September 2009, May and September 2010, April and September 2011, March and September 2012, and January and September 2013); among other relevant fishery management issues.

Procedures and Guidelines

A. Nomination Procedures for Appointments to the Advisory Panel

Nomination packages should include:

1. The name of the nominee and a description of his/her interest in HMS or in particular species of sharks, swordfish, tunas, or billfish;
2. Contact information, including mailing address, phone, and email of the nominee;
3. A statement of background and/or qualifications;
4. A written commitment that the nominee shall actively participate in good faith in the meetings and tasks of the HMS AP; and

5. A list of outreach resources that the nominee has at his/her disposal to communicate HMS issues to various interest groups.

Qualifications for HMS AP Membership

Qualification for membership includes one or more of the following: (1) Experience in HMS recreational fisheries; (2) experience in HMS commercial fisheries; (3) experience in fishery-related industries (e.g., marinas, bait and tackle shops); (4) experience in the scientific community working with HMS; and/or (5) representation of a private, non-governmental, regional, national, or international organization representing marine fisheries; or environmental, governmental, or academic interests dealing with HMS.

Tenure for the HMS AP

Member tenure will be for 3 years (36 months), with approximately one-third of the members' terms expiring on December 31 of each year. Nominations are sought for terms beginning January 2014 and expiring December 2016.

B. Participants

Nominations for the HMS AP will be accepted to allow representation from commercial and recreational fishing interests, and the environmental/non-governmental organization community, who are knowledgeable about Atlantic HMS and/or Atlantic HMS fisheries. Current representation on the HMS AP, as shown in Table 1, consists of 12 members representing commercial interests, 12 members representing recreational interests, 4 members representing environmental interests, 4 academic representatives, and the International Commission for the Conservation of Atlantic Tunas (ICCAT) Advisory Committee Chairperson. Each HMS AP member serves a 3-year term with approximately one-third of the total number of seats (33) expiring on December 31 of each year. NMFS seeks to fill 5 commercial, 4 recreational, and 2 environmental/non-governmental organization vacancies by December 31, 2013. NMFS will seek to fill vacancies based primarily on maintaining the current representation from each of the sectors. NMFS also considers species expertise and representation from the fishing regions (Northeast, Mid-Atlantic, South Atlantic, Gulf of Mexico, and Caribbean) to ensure the diversity and balance of the AP. Table 1 includes the current representation on the HMS AP by sector, region and species with terms that are expiring identified in bold. It is not meant to indicate that NMFS will only consider persons who have expertise in the species or fishing

regions that are listed. Rather, NMFS

will aim toward having as diverse and balanced an AP as possible.

Table 1. Current Representation on the HMS AP by Sector, Region, and Species. (Terms that are expiring are in bold. NMFS tries to maintain diversity and balance in representation among fishing regions and species.)

Sector	Fishing Region	Species	Date Appointed	Date Term Expires
Academic	All	Swordfish/Tuna	1/1/2012	12/31/2014
Academic	All	Tuna	1/1/2013	12/31/2015
Academic	Southeast/Gulf of Mexico	Shark	1/1/2013	12/31/2015
Academic	Southeast	Swordfish/HMS	1/1/2013	12/31/2015
Commercial	Northeast	HMS	1/1/2012	12/31/2014
Commercial	Northeast	Tuna	1/1/2012	12/31/2014
Commercial	Gulf of Mexico	Tuna/Swordfish	1/1/2012	12/31/2014
Commercial	Northeast	Tuna	1/1/2012	12/31/2014
Commercial	Northeast	Tuna	1/1/2012	12/31/2014
Commercial	Southeast	Shark	1/1/2013	12/31/2015
Commercial	Southeast	Swordfish/Tuna	1/1/2013	12/31/2015
Commercial	Northeast	Tuna	1/1/2011	12/31/2013
Commercial	Mid-Atlantic	HMS/Shark	1/1/2011	12/31/2013
Commercial	Southeast	Swordfish	1/1/2011	12/31/2013
Commercial	Gulf of Mexico	Shark	1/1/2011	12/31/2013
Commercial	Gulf of Mexico	Shark	1/1/2011	12/31/2013
Environmental	All	Shark	1/1/2012	12/31/2014
Environmental	Gulf of Mexico	HMS	1/1/2012	12/31/2014
Environmental	All	Tuna	1/1/2011	12/31/2013
Environmental	All	Tuna	1/1/2011	12/31/2013
Recreational	Gulf of Mexico/Southeast	Billfish/Tuna	1/1/2012	12/31/2014
Recreational	Mid-Atlantic	HMS	1/1/2012	12/31/2014
Recreational	Mid-Atlantic	Tuna	1/1/2012	12/31/2014
Recreational	Northeast	Tuna/Shark	1/1/2013	12/31/2015
Recreational	Southeast	Swordfish	1/1/2013	12/31/2015
Recreational	Northeast	Tuna	1/1/2013	12/31/2015
Recreational	Southeast	HMS	1/1/2013	12/31/2015
Recreational	Northeast	HMS	1/1/2013	12/31/2015
Recreational	Southeast	HMS	1/1/2011	12/31/2013
Recreational	Mid-Atlantic	HMS	1/1/2011	12/31/2013
Recreational	Southeast	Billfish	1/1/2011	12/31/2013
Recreational	Gulf of Mexico	HMS	1/1/2011	12/31/2013

The intent is to have a group that, as a whole, reflects an appropriate and equitable balance and mix of interests

given the responsibilities of the HMS AP.

Five additional members on the HMS AP include one member representing each of the following Councils: New

England Fishery Management Council, the Mid-Atlantic Fishery Management Council, the South Atlantic Fishery Management Council, the Gulf of Mexico Fishery Management Council, and the Caribbean Fishery Management Council. The HMS AP also includes 22 ex-officio participants: 20 representatives of the coastal states and two representatives of the interstate commissions (the Atlantic States Marine Fisheries Commission and the Gulf States Marine Fisheries Commission).

NMFS will provide the necessary administrative support, including technical assistance, for the HMS AP. However, NMFS will not compensate participants with monetary support of any kind. Depending on availability of funds, members may be reimbursed for travel costs related to the HMS AP meetings.

C. Meeting Schedule

Meetings of the HMS AP will be held as frequently as necessary but are routinely held twice each year—once in the spring, and once in the fall. The meetings may be held in conjunction with public hearings.

Dated: November 1, 2013.

James P. Burgess,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC837

Takes of Marine Mammals Incidental to Specified Activities; Seabird and Pinniped Research Activities in Central California, 2013–2014

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: We, NMFS, have received an application from Point Blue Conservation Science (Point Blue, formerly PRBO Conservation Science), requesting an Incidental Harassment Authorization (Authorization) to take marine mammals, by harassment, incidental to conducting proposed seabird and pinniped research activities on Southeast Farallon Island, Año Nuevo Island, and Point Reyes National Seashore in central California from

December 2013 through December 2014. Per the Marine Mammal Protection Act, we are requesting comments on our proposal to issue an Authorization to Point Blue to incidentally harass, by Level B harassment only, four species of marine mammals during the year-long research project.

DATES: We must receive comments and information no later than December 5, 2013.

ADDRESSES: Address your comments on the application 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. The mailbox address for providing email comments is *ITP.Cody@noaa.gov*. Please include 0648-XC837 in the subject line. We are 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.

All comments received are a part of the public record and we will generally post them to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications> 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.

To obtain an electronic copy of the application, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**) or access the documents on our Web page at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>.

We will prepare a separate NEPA analysis to evaluate the environmental effects related to the scope of our federal action, which is the proposed issuance of an Authorization to Point Blue for their proposed seabird and pinniped research activities. This notice presents detailed information on the scope of our federal action under NEPA (i.e., the proposed Authorization including mitigation measures and monitoring) and we will consider comments submitted in response to this notice as we prepare our NEPA analysis.

The public can view documents cited in this notice by appointment, during regular business hours, at the previously mentioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody, Office of Protected Resources, NMFS (301) 427-8401.

SUPPLEMENTARY INFORMATION: Section 101(a)(5)(D) of the Marine Mammal

Protection Act (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: (1) We make certain findings; (2) the taking is limited to harassment; and (3) we provide a notice of a proposed authorization to the public for review.

We shall allow authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The authorization must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat (i.e., mitigation); and requirements pertaining to the monitoring and reporting of such takings. We have 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.”

Section 101(a)(5)(D) of the MMPA established an expedited process by which citizens of the United States can apply for an authorization to incidentally take marine mammals by harassment. Section 101(a)(5)(D) of the Act establishes a 45-day time limit for our review of an application followed by a 30-day public notice and comment period on any proposed authorization for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, we must either issue or deny the authorization and must publish a notice in the **Federal Register** within 30 days of our determination to issue or deny the authorization.

Except with respect to certain activities not pertinent here, the Marine Mammal Protection Act 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].