

Biological Opinion, is a separate determination that considers those factors specified in MMPA section 101(a)(5)(E).

NMFS disagrees that it is premature to rely on the FKWTRP to ensure that M&SI is less than PBR in the deep-set fishery which is described in greater detail in comment 13. We also disagree that a single take in the overlap zone should trigger an emergency suspension of the fishery because such take would exceed PBR. Based on the best available science, after an expansion factor (5) is applied to account for observer coverage (20%) and a proration factor (15%) is applied to account for the probability that an interaction in the overlap zone involves a MHI IFKW, a single take in the overlap area would be the equivalent of 0.75 MHI IFKW. As a term and condition of the September 19, 2014 Biological Opinion on the deep-set fishery (NMFS 2014), two M&SI in the overlap area during any three-year period would trigger reinitiation of consultation and require the immediate convening of the FKWTRT to provide recommendations regarding possible emergency measures.

*Comment 18:* Earthjustice stated that NMFS should close off the entire 140 km range to eliminate the risk of longline fishery interactions with the MHI IFKW.

*Response:* This action is limited to determining whether to issue a permit under MMPA section 101(a)(5)(E), which would allow the Hawaii-based longline fisheries, as currently managed and operated, to incidentally take individuals from certain ESA-listed marine mammal stocks. Potential future measures to expand the range of the MHI longline fishing prohibited area, either through emergency rulemaking or amendment of the FKWTRP, are beyond the scope of this decision.

With regard to the commenter's suggestion of excluding longline fishing from the entire known range of the stock, the FKWTRP regulations prohibit longline fishing within the entire core range and a large portion of the "extended" range of the MHI IFKW stock (which extends out to 140 km from shore), which NMFS determined would substantially reduce the risk of MHI IFKW interactions in the longline fisheries. The FKWTRT unanimously concluded that by permanently extending the seasonal boundary of the MHI longline prohibited area to include all overlap areas where prorated interactions with MHI IFKW and pelagic false killer whales have occurred, the risk to MHI IFKW would be significantly reduced. NMFS emphasizes that like all small cetaceans,

MHI IFKW do not confine their movements to precise areas. Nevertheless, while we cannot eliminate all risk to the MHI IFKW from longline fishing, predictive modeling based on precautionary assumptions projects no more than one M&SI every four years. Under these circumstances, NMFS does not believe a further increase in the longline closure area is necessary to protect MHI IFKWs. However, if the FKWTRP is not effective in protecting the stock, (i.e., if M&SI should exceed PBR), then NMFS, in consultation with the FKWTRT, will develop and implement additional measures to meet the MMPA take reduction goals and will re-evaluate the NID.

*Comment 19:* CRC states that given the small PBR for MHI IFKW and the relatively small overlap between the fishery and the population's range, there is insufficient observer coverage within the "open area" to produce reliable estimates of longline M&SI for the MHI IFKW and that an analysis to determine the sample size of observer coverage is required within the area to have a reasonable probability of detecting bycatch that may approach or exceed PBR.

*Response:* NMFS acknowledges CRC's concern regarding the adequacy of observer coverage levels to detect take levels that could exceed PBR, given the stock's small PBR level and the small area of overlap between the fisheries and the stock. NMFS's Hawaii Longline Observer Program is designed to provide representative coverage of fishing effort by the fleet, but is not designed to cover specific areas of operation. However, in considering CRC's comment, we evaluated the level of observer coverage in the "open area" (the area of overlap between the longline fisheries and MHI IFKWs). We calculated this as the number of trips observed within the area divided by the number of trips recorded as fishing within the area. We note that these coverage levels do not imply a random sample, a representative sample, or that coverage was constant throughout the year. Despite these caveats, in recent years, coverage in the open area has been as follows: 2008, 13.6%; 2009, 16.1%; 2010, 25.4%; 2011, 18.8%; 2012, 26.1%; 2013, 22.4%, which is 20.4% for a six-year average. An analysis described in the report from NMFS's 2011 workshop on revising the GAMMS (Moore and Merrick, 2011) indicates that for a stock with a PBR of 1.0 and observer coverage of 20%, data pooled across four or more years would achieve an approximately unbiased estimate of M&SI. NMFS regularly pools M&SI estimates across five years to produce average annual

estimate for comparison to PBR and believes that this level of observer coverage in the open area, combined with the pooling of M&SI data provide sufficiently reliable information with which to assess IFKW bycatch in the deep-set longline fishery.

Dated: October 10, 2014.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XD543**

#### Appointments to the Climate and Aquaculture Task Forces by the Marine Fisheries Advisory Committee

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

**ACTION:** Notice; Request for Nominations.

**SUMMARY:** Nominations are being sought for appointment to two new task forces of the Marine Fisheries Advisory Committee (MAFAC) to support its advisory work for the Secretary of Commerce on living marine resource matters. One task force will focus on climate and marine resources issues and the other on aquaculture issues. The members will be appointed by NMFS in consultation with MAFAC and will serve for an initial term of one or two years. The terms would begin in November or December 2014. Nominees should possess demonstrable knowledge or expertise in the areas described under Supplemental Information for each task force.

**DATES:** Nominations must be postmarked or have an email date stamp on or before November 17, 2014.

**ADDRESSES:** Nominations should be sent to Heidi Lovett, Office of Policy, NMFS F-14438, 1315 East-West Highway, Silver Spring, MD 20910 or to [heidi.lovett@noaa.gov](mailto:heidi.lovett@noaa.gov).

**FOR FURTHER INFORMATION CONTACT:** Heidi Lovett, (301) 427-8004; email: [heidi.lovett@noaa.gov](mailto:heidi.lovett@noaa.gov).

**SUPPLEMENTARY INFORMATION:** MAFAC is the only Federal advisory committee with the responsibility to advise the Secretary of Commerce (Secretary) on all matters concerning living marine resources that are the responsibility of the Department of Commerce. MAFAC

is establishing a Climate and Marine Resources Task Force and an Aquaculture Task Force to assist it in the development of recommendations to the Secretary on policies, programs, and regulations critical to the mission and goals of the NMFS.

#### Climate and Marine Resources Task Force

This Climate and Marine Resources Task Force is being created as a communication conduit for stakeholder input to MAFAC and NOAA Leadership on the production, delivery, and use of climate-related information in fulfilling NOAA Fisheries mission activities. NOAA's marine stewardship mandates include consideration of changing environmental conditions and other factors on marine resources and the industries that depend on these resources. The Task Force will provide review and input on the NOAA Fisheries Climate Science Strategy (pending later this year), regional implementation plans, identification of community impacts related to climate change and fisheries, and other topics as needed.

This Task Force will consist of 12 to 15 individuals. MAFAC is seeking individuals that have experience with the production, delivery and/or use of climate-related information in marine resource management or have familiarity with how science, data, and information influences policy and regulatory decision making. It is not intended that all nominees be scientists or researchers. Individuals should represent the diverse constituent groups or partners from across U.S. regions and territories that interact with NOAA Fisheries: Commercial, recreational, or subsistence fisheries; aquaculture; seafood industries; academia; tribes; environmental, protected resources, marine habitat, and consumer groups; and/or other related national interests.

It is intended that the Task Force be established for an initial period of 3 years with a possibility of extending that term if deemed necessary by NOAA Fisheries and MAFAC. Task Force members will be appointed for 2-year terms and should be able to fulfill the time commitments required for periodic meetings (mostly by webinar or teleconference, and potentially in-person).

#### Aquaculture Task Force

MAFAC has a longstanding history of engagement on aquaculture issues. The Aquaculture Task Force is being created to expand the aquaculture expertise of MAFAC and to help MAFAC provide advice and input to NOAA Leadership

on the NOAA Aquaculture Program and its future activities. The Task Force will assist NOAA in fulfilling its central role in developing and implementing policies that enable marine aquaculture and work to ensure that aquaculture complies with existing Federal laws and regulations that NOAA enforces under its marine stewardship mission.

Some example tasks of the new Task Force will include review of: NOAA's progress on implementing the agency's 10-Year Plan for Marine Aquaculture (from 2007), priorities to include in strategic planning for the aquaculture program, and tasks to support NOAA's work with the Regulatory Task Force of the Interagency Working Group on Aquaculture.

This Task Force will consist of no more than 10 individuals who have expertise in all aspects of marine aquaculture; the science, research, and development to advance aquaculture; and the management and permitting of aquaculture at the Federal, state, and local levels. It is intended that Task Force members will come from across all U.S. regions and territories.

This Task Force will be established for an initial period of 1 year with a possibility of extending that term if deemed necessary by NOAA Fisheries and MAFAC. Task Force members will be appointed for 1-year terms and should be able to fulfill the time commitments required for periodic meetings (mostly by webinar or teleconference, and potentially in-person).

#### Nomination Materials

Each nomination submission should identify which Task Force the nominee is applying to and include: a cover letter describing the nominee's qualifications and interest in serving on the specific task force, resume or curriculum vitae of the nominee, and up to two recommendation letters describing the nominee's qualifications and interest. Self-nominations are acceptable. The following contact information should accompany each nominee's submission: full name, address, telephone number, fax number, and email address.

Nominations should be sent to (see **ADDRESSES**) and must be received by November 17, 2014. Information about MAFAC, its Committee Charter, current membership, and activities can be viewed at the NMFS' Web page at [www.nmfs.noaa.gov/mafac.htm](http://www.nmfs.noaa.gov/mafac.htm).

Dated: October 9, 2014.

**Eileen Sobeck,**

*Assistant Administrator for Fisheries,  
National Marine Fisheries Service.*

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## BUREAU OF CONSUMER FINANCIAL PROTECTION

[Docket No. CFPB-2014-0025]

### Policy On No-Action Letters

**AGENCY:** Bureau of Consumer Financial Protection.

**ACTION:** Notice of proposed policy and proposed information collection; request for comment.

**SUMMARY:** The Consumer Financial Protection Bureau (Bureau) invites the public to take this opportunity to comment on its proposed Policy on No-Action Letters (Policy), which is intended to further its objectives under section 1021 of the Dodd-Frank Wall Street Reform and Consumer Protection Act of 2010 (Dodd-Frank Act), and also a proposed information collection associated with applications submitted by applicants requesting no-action letters under the proposed Policy as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments are encouraged and must be received on or before December 15, 2014 to be assured of consideration.

**ADDRESSES:** You may submit comments, identified by the proposal's title, "Policy on No-Action Letters," and docket number (see above), by any of the following methods:

- **Electronic:** <http://www.regulations.gov>. Follow the instructions for submitting comments.
- **Mail:** Consumer Financial Protection Bureau, Office of the Executive Secretary, 1700 G Street NW., Washington, DC 20552.
- **Hand Delivery/Courier:** Consumer Financial Protection Bureau, Office of the Executive Secretary, 1275 First Street NE., Washington, DC 20002.

Please note that comments submitted by fax or email and those submitted after the comment period will not be accepted. Comments will be available for public inspection and copying at 1275 First Street NE., Washington, DC 20002 between the hours of 10:00 a.m. and 5 p.m. eastern standard time. In general, all comments received will be posted without change to [www.regulations.gov](http://www.regulations.gov), including any personal information provided. Sensitive personal information, such as account