

The LAL assay is used by medical professionals, drug companies, and pharmacies to detect endotoxins in intravenous pharmaceuticals and medical devices that come into contact with human blood or spinal fluid.

Limuli last harvested horseshoe crabs from the reserve in 2013. The results of that collection were summarized in a **Federal Register** Notice relating to Limuli's 2015 EFP application on October 7, 2015 (80 FR 60633).

#### **Horseshoe Crab Technical Committee and Delaware Bay Ecosystem Technical Committee Consultation and Review**

NMFS consulted with the Commission's Horseshoe Crab Technical Committee and Delaware Bay Ecosystem Technical Committee via conference call on June 8 and July 11, 2016, asking members comment on the utility of the data collected under the past EFPs.

The Technical Committees had varying opinions on the overall quality of the data from the EFP. Technical Committees members pointed out that the EFP data was some of the only data on horseshoe crabs from the reserve, and that the data was included in past scientific papers. Most members believed that the collection of the data was at least generally useful, and many suggested that the data should be further considered as part of the 2018 benchmark stock assessment for horseshoe crabs. The meetings summaries are available upon request (see **ADDRESSES**).

#### **ESA Consultations**

On August 5, 2014, NMFS completed an intra-agency consultation under section 7 of the ESA for proposed approval of an EFP to allow the biomedical harvest of horseshoe crabs from the Reserve which determined that the proposed action is not likely to adversely affect any listed species under our jurisdiction. The consultation covers the years from 2014–2018.

NMFS started to conference with FWS in May 2016 on starting the consultation under section 7 of the ESA for rufa red knot, because this species had no previous consultation. The consultation is ongoing and NMFS intends to conclude the consultation before making a final decision on the merits of the EFP application.

#### **Past EFP Conditions and Requirements**

Limuli Laboratories proposes to conduct an exempted fishery operation in 2016 using the same means, methods, and seasons proposed/utilized during the EFPs in 2001–2013. In past EFPs, NMFS required that the following

conditions and requirements be met for issuance of the EFP:

1. The permit must be carried on board the vessel named.
2. A State of New Jersey Division of Fish and Wildlife (NJDFW) supplied observer must be taken when requested to do so by the New Jersey Bureau of Marine Fisheries.
3. When fishing under the permit in the Reserve during the participation period specified above, the vessel:
  - a. must use a 5 and ½ inch mesh flounder trawl net;
  - b. must not exceed 30 minutes during any one tow (measured from the time trawl doors enter the water until they are removed from the water per 50 CFR 223.206(d)(3)(i));
  - c. must notify State of New Jersey Law Enforcement daily of when and where the collection will take place;
  - d. must abide by any other federal fishery regulation in effect in the Reserve;
  - e. must withdraw from this exempted fishery before enrolling or participating in any other exempted fishery.
4. The following species may be possessed by the vessel when fishing under this permit with the specified trawl gear during the participation period above: Horseshoe Crab.
5. The fishing vessel that is issued a permit to conduct this experimental fishing activity may not possess or land catch in excess of a combined total of 500 horseshoe crabs per day during the participation period.
6. The fishing vessel that is issued a permit to conduct this experimental fishing activity may not possess or land in excess of a combined total of 10,000 horseshoe crabs from the Reserve during the participation period.
7. Participant must return all captured horseshoe crabs to waters adjacent to those from which they were captured as soon as possible after blood collection.
8. Participant must supply to National Marine Fisheries Service, the Atlantic States Marine Fisheries Commission (Commission), and the NJDFW, one month after the end of the participation period, the following data on all horseshoe crabs bled for biomedical purposes:
  - a. sex ratio; and
  - b. daily numbers of horseshoe crabs caught.
9. Participant must tag 15 percent of all horseshoe crabs bled for biomedical purposes, and supply to NMFS, the Commission, and NJDFW, one month after the end of the participation period, data on horseshoe crabs tagged, released, and recaptured.
10. Participant must supply to NMFS, the Commission, and the NJDFW, one

month after the end of the participation period, the following data on a minimum of 200 randomly selected crabs tagged:

- a. morphometric data, by sex, *e.g.* interocular distance and weight; and
- b. levels of activity, as measured by a horseshoe crab struggles after being placed on a weighing scale or by distance traveled after release on beach.

The EFP exempted two commercial vessels from regulations at 50 CFR 697.7(e) and 697.23(f), which prohibit the harvest and possession of horseshoe crabs from the Reserve on a vessel with a trawl or dredge gear aboard.

#### **Proposed Modifications for the 2016 EFP**

Conditions and requirements may be added or amended prior to the issuance of the EFP or on an annual basis. NMFS is considering modifying past terms and conditions on the permit to possibly include or modify harvest, data collection and reporting requirements.

A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, an ESA consultation with the FWS, and a determination that the EFP is consistent with all applicable laws.

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

Dated: August 17, 2016.

**Emily H. Menashes,**  
*Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

**RIN 0648–XE806**

#### **Endangered and Threatened Species; Take of Anadromous Fish**

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

**ACTION:** Notice of receipt.

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**SUMMARY:** Notice is hereby given that NMFS has received one permit application from the United States Fish and Wildlife Service (USFWS) to enhance the propagation and survival of species listed under the Endangered Species Act (ESA) of 1973, as amended, for a 10 year period. As part of this permit application, USFWS has submitted two HGMPs. The HGMPs specify methods for the operation of two

hatchery programs at Livingston Stone National Fish Hatchery (LSNFH); the Winter Chinook Integrated-Recovery Supplementation Program, and the Winter Chinook Captive Broodstock Program. LSNFH is located on the Upper Sacramento River in California's Central Valley. This document serves to notify the public of the availability of the permit application and associated HGMPs for review and comment, prior to a decision by NMFS whether to issue the permit. The permit application and associated HGMPs may be viewed online at: [https://apps.nmfs.noaa.gov/preview/preview\\_open\\_for\\_comment.cfm](https://apps.nmfs.noaa.gov/preview/preview_open_for_comment.cfm).

**DATES:** Comments or requests for a public hearing on the applications must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific standard time on September 21, 2016.

**ADDRESSES:** Written comments on the application should be submitted to the California Central Valley Office, NMFS, 650 Capitol Mall, Suite 5-100, Sacramento, CA 95814. Comments may also be submitted via fax to 916-930-3629 or by email to [Amanda.Cranford@noaa.gov](mailto:Amanda.Cranford@noaa.gov) (include the permit number in the subject line of the fax or email).

**FOR FURTHER INFORMATION CONTACT:** Amanda Cranford, Sacramento, CA (ph.: 916-930-3706), Fax: 916-930-3629, email: [Amanda.Cranford@noaa.gov](mailto:Amanda.Cranford@noaa.gov). Permit application instructions are available from the address above, or online at <https://apps.nmfs.noaa.gov>.

**SUPPLEMENTARY INFORMATION:**

**Species Covered in This Notice**

The following listed species are covered in this notice:

Chinook salmon (*Oncorhynchus tshawytscha*): Threatened Central Valley spring-run (CVSR); endangered Sacramento River winter-run (SRWR).

Steelhead (*O. mykiss*): Threatened California Central Valley (CCV).

**Authority**

Scientific research permits are issued in accordance with section 10(a)(1)(A) of the ESA (16 U.S.C. 1531 *et seq.*) and regulations governing listed fish and wildlife permits (50 CFR parts 222-227). NMFS issues permits based on findings that such permits: (1) Are applied for in good faith; (2) if granted and exercised, would not operate to the disadvantage of the listed species that are the subject of the permit; and (3) are consistent with the purposes and policy of section 2 of the ESA. The authority to take listed species is subject to conditions set forth in the permits.

Anyone requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). Such hearings are held at the discretion of the Assistant Administrator for Fisheries, NMFS.

**Permit Application(s) Received**

*Permit 16477*

The USFWS has applied for a permit under section 10(a)(1)(A) of the ESA for a period of 10 years that would allow take of adult and juvenile SRWR Chinook salmon, from the endangered Sacramento River Evolutionarily Significant Unit pursuant to HGMPs, which were developed with technical assistance from NMFS. Take of adult CVSR Chinook salmon and adult CCV steelhead may also occur as a result of hatchery activities at LSNFH. The HGMPs will be implemented as part of the existing Integrated-Recovery Supplementation Program and Captive Broodstock Program at LSNFH. Actions taken pursuant to the permit are designed to enhance the survival of SRWR Chinook salmon residing in the Upper Sacramento River below Keswick Dam. The HGMPs incorporate two main components: Artificial propagation activities and research, monitoring and evaluation (RM&E).

Artificial propagation activities that could lead to the take of ESA-listed salmonids include; adult broodstock collection, spawning, rearing, handling, evaluation, tagging and release of progeny. Additionally, USFWS will maintain a Captive Broodstock Program at LSNFH sourced from fish originating from the Integrated-Recovery Supplementation Program. Release of captive broodstock will not be authorized under Permit 16477. Release of these fish will be permitted through separate section 10(a)(1)(A) Permits or authorizations, as needed. The HGMPs include measures to minimize the likelihood of genetic or ecological effects to naturally produced, ESA-listed salmonids resulting from hatchery operations and propagation of SRWR Chinook salmon.

RM&E activities will collect necessary data to document achievement of performance indicators specified in the HGMPs. USFWS is currently involved with the following research and monitoring projects directly involved with evaluating the effects of the hatchery programs at LSNFH: (1) The Adult Acoustic Telemetry Study to monitor the movements of adult winter-run Chinook salmon that are captured at the Keswick Dam Fish Trap and not

retained for broodstock; and (2) the Juvenile Acoustic Tracking Study using acoustic tags to study emigration patterns and survival of juvenile hatchery-origin winter-run Chinook salmon. For a more detailed discussion of the RM&E activities, please see the permit application package.

**Public Comments Solicited**

NMFS invites the public to comment on the permit application and associated HGMPs during a 30 day public comment period beginning on the date of this notice. This notice is provided pursuant to section 10(c) of the ESA (16 U.S.C. 1529(c)). All comments and materials received, including names and addresses, will become part of the administrative record and may be released to the public. We provide this notice in order to allow the public, agencies, or other organizations to review and comment on these documents.

**Next Steps**

NMFS will evaluate the applications, associated documents, and comments submitted to determine whether the applications meet the requirements of section 10(a)(1)(A) of the ESA and Federal regulations. The final permit decisions will not be made until after the end of the 30-day public comment period and after NMFS has fully considered all relevant comments received. NMFS will publish notice of its final action in the **Federal Register**.

Dated: August 15, 2016.

**Donna S. Wieting,**

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

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**DEPARTMENT OF COMMERCE**

**National Oceanic and Atmospheric Administration**

**Requesting Nominations for the Marine Protected Areas Federal Advisory Committee; Notice of Public Meeting**

**AGENCY:** National Marine Protected Areas Center, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

**ACTION:** Notice and request for nominations and notice of public meeting.

**SUMMARY:** The Department of Commerce (Department) is seeking nominations for membership on the Marine Protected