

reduce vessel impacts on the whales were not adequately addressing this threat and initiated a formal rulemaking process to establish mandatory regulations. The final rule published in 2011 consisted of two measures: (1) A prohibition on approaching any killer whale within 200 yards, and (2) a prohibition on parking in the path of any killer whale within 400 yards. These regulations apply to all killer whales in the inland waters of Washington State.

When NMFS implemented these protective vessel regulations in 2011, we committed to evaluating their effectiveness post-implementation. NMFS completed this evaluation in 2017 and the Technical Memo (Ferrara et al., 2017) can be found here: https://archive.fisheries.noaa.gov/wcr/publications/protected_species/marine_mammals/killer_whales/noaa_techmemo_nmfsopr-58_dec2017.pdf. Although received noise levels were variable and not significantly lower after the regulations were put in place (Holt et al., 2017), the conclusions of this evaluation indicate that there have been some benefits to having protective regulations in place (Ferrara et al., 2017). An economic analysis showed that, based on a review of multiple indicators for the ecotourism industry, the regulations did not have a negative impact on the commercial whale watch industry, but rather that the industry continued to grow after the regulations were put in place (Industrial Economics, 2015). These results indicate that additional protective measures could provide a greater biological benefit to the whales without necessarily harming the commercial whale watch industry.

Since the implementation of the 2011 vessel regulations, NMFS has continued to participate in efforts to develop and receive public input for protective measures to reduce vessel impacts on killer whales in Washington's inland waters. NMFS has partnered with the Washington Department of Fish and Wildlife (WDFW) to enforce the regulations, providing funding through three ESA grants from 2013 to the present to expand WDFW's involvement in protecting Southern Resident killer whales. A killer whale protection workshop held by NMFS in 2013 brought scientists, enforcement officers, non-governmental organizations, industry, and members of the public together to review existing protections for the whales as well as the role of monitoring, enforcement of boater education efforts, identify data gaps, and provide an opportunity for stakeholder input on next steps to address vessel effects on killer whales.

In late 2016, NMFS received a petition to establish a Whale Protection Zone (WPZ) on the west side of San Juan Island. In response to that petition, NMFS sought public comment and, during a 90-day comment period in 2017, members of the public, local and state government, federal agencies, tribal organizations, NGOs, and industry submitted comments on the proposed WPZ design as well as protected areas for Southern Residents in general.

NMFS also engaged in broader efforts to study and develop measures to reduce vessel impacts. In March 2018, the Washington State Governor established the Southern Resident Orca Task Force to identify immediate actions to benefit Southern Residents as well as develop a long-term action plan for recovery. NMFS serves on this Task Force as well as in its Vessel Working Group. In its first year, the Task Force made 12 recommendations to fulfill the goal of reducing disturbance from vessels to Southern Residents. The full list of recommendations can be found here: https://www.governor.wa.gov/sites/default/files/OrcaTaskForce_reportandrecommendations_11.16.18.pdf. Several of these recommendations were taken up by the Washington State legislature in 2019, including the recommendations to increase the approach distance and establish a go-slow zone around Southern Residents.

Since 2017 NMFS has also served on the Advisory Working Group and the Acoustic Technical Committee for a voluntary slow-down trial, called ECHO, for piloted vessels transiting through Haro Strait. This trial has provided valuable insight into the impact of reducing the speed of large ships on the ambient noise level in an important foraging area for Southern Resident killer whales, as well as the impact of displacing vessel traffic away from an area frequented by Southern Residents. When compared to the pre-trial period, the acoustic intensity of ambient noise in the area of the west coast of San Juan Island was reduced by as much as 44 percent (corresponding to a 2.5 DB reduction in media sound pressure level) when vessel slowed down through the Strait (Joy et al., 2019). Results of the lateral displacement trials are pending.

Public Comments

This scoping process aims to gather input regarding the need to revise the existing regulations, the scope of actions to be proposed for any rulemaking, the development of alternatives to that would be analyzed in the NEPA analysis, and the potential impact of

management actions. NMFS is soliciting information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties. In particular, we request information and comments concerning: (1) The advisability of and need for changes to the existing regulations; (2) alternative management options for regulating vessel interactions with killer whales; (3) scientific and commercial information regarding the effect of vessels on killer whales and their habitat; (4) potential economic impacts of management options; and (5) any additional relevant information that NMFS should consider should it undertake rulemaking. In any future rulemaking, NMFS would consider existing voluntary and regulatory efforts to protect the whales, effectiveness and consistency of protective measures, transboundary coordination, the best available scientific information and public input in developing any amendments to the current federal vessel regulations.

Comments and suggestions received as part of this scoping process will be considered when developing the alternatives for analysis. Comments that were submitted to NMFS regarding the 2010 Environmental Assessment or previous proposed rule will be considered and do not need to be resubmitted.

Authority: 40 CFR 1501.2, 1501.7; 16 U.S.C. 1540(f) and MMPA section 112(a) (16 U.S.C. 1382(a)).

Dated: October 18, 2019.

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-XR039

Marine Mammals; File No. 22677

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that NMFS Pacific Islands Fisheries Science Center, Hawaiian monk seal Research Program (Responsible Party, Charles Littnan), has applied in due form for a permit to conduct research and

enhancement activities on Hawaiian monk seals (*Neomonachus schauinslandi*).

DATES: Written, telefaxed, or email comments must be received on or before November 25, 2019.

ADDRESSES: The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 22677 from the list of available applications.

These documents are also available upon written request or by appointment in the Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713-0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Sara Young or Amy Sloan, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The applicant requests a 5-year permit to carry out research and enhancement activities designed to recover the endangered Hawaiian monk seal. Activities would occur along beaches and nearshore waters throughout the Hawaiian Archipelago (Northwestern Hawaiian Islands [NWHI] and main Hawaiian Islands [MHI]) and Johnston Atoll.

Research is intended to identify impediments to recovery, inform the design of conservation interventions, and evaluate those measures. Research activities include visual and

photographic monitoring, tagging, pelage bleach/dye marking, health screening, foraging studies, deworming research, necropsies, tissue sampling, import/export of parts, behavioral modification research, vocalization studies and vaccination research.

Enhancement activities are designed to improve the survival and reproductive success of individual monk seals, with the intent to improve subpopulation and overall species' status. Enhancement activities include deworming, translocation, hazing and removal of aggressive adult male seals that harm or kill other seals, disentangling, dehooking, medical treatment, behavioral modification, vaccination, and supplemental feeding of post-release rehabilitated seals.

Annual number of individual seals to be taken by take type (annually, unless otherwise specified) could be up to 1,500 for monitoring, 400 for tagging, 1,200 for bleach/dye marking, 150 for health screening, 10 moribund seals by euthanasia, 80 instrumentations, 300 for deworming treatments, 80 for acoustic recording, translocations of nursing pups to birth or foster mothers as warranted (estimated 20 pups), translocations to alleviate risk as warranted (estimated 60 seals), translocations to the NWHI of any age seal in the MHI with unmanageable behavior to alleviate risk to humans and the seals involved (as warranted but likely not to exceed 2 per year), translocation of 20 weaned pups and 30 juvenile/subadults as one-way or as part of two-stage translocation for enhancement, hazing aggressive adult males from conspecifics as warranted (estimated 10 seals), 20 adult male removals (including up to 10 lethal removals over five years), unlimited (*i.e.*, as warranted) disentanglements, dehookings, necropsies, opportunistic samplings and import/exports (including import and export of Mediterranean monk seal samples for research and conservation purposes), 12 seals supplementary fed, 50 seals subject to behavioral modification, 1,500 seals vaccinated, and 200 incidentally harassed. Research on captive monk seals to test and validate field studies is proposed. The applicant also requests the following unintentional lethal takes or mortalities: Two seals annually not to exceed four animals in five years during research, two seals annually not to exceed four weaned pups in five years during enhancement, four juveniles/subadults not to exceed eight animals in five years during enhancement, two adult males not to exceed four across five years during enhancement activities. Up to

500 spinner dolphins (*Stenella longirostris*), and 20 bottlenose dolphins (*Tursiops truncatus*) may be incidentally harassed annually during research and enhancement activities.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activities proposed are consistent with the Preferred Alternative in the Final Hawaiian Monk Seal Recovery Actions Programmatic Environmental Impact Statement (NMFS 2014), and that issuance of the permit would not have a significant adverse impact on the human environment.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: October 21, 2019.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID DOD-2019-OS-0121]

Proposed Collection; Comment Request

AGENCY: Defense Counterintelligence and Security Agency, DoD.

ACTION: Information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the Defense Counterintelligence and Security Agency announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by December 23, 2019.