

for the day the Council will develop NEFMC comments on this plan.

Wednesday, June 22, 2016

The second day of the meeting will begin with a review of NOAA Fisheries' proposed rule for Atlantic sturgeon critical habitat. During this morning session, the Scallop Committee will discuss initiating Framework Adjustment 28—fishery specifications for 2017–18, and discuss management alternatives that may be considered in the action. These will include measures to: (1) Restrict the possession of shell stock inshore of the days-at-sea demarcation line north of 42°20' N; (2) modify the process for setting scallop fishery annual catch limits; (3) modify scallop access areas consistent with potential changes to habitat and groundfish mortality closed areas; and (4) modify gear to further protect small scallops. The committee also will ask for approval of priorities for the 2017–18 research set-aside program (RSA). The Council may also discuss modifying its Scallop RSA policy. The Groundfish Committee will then review a progress report on a draft white paper about monitoring strategies for the commercial groundfish fishery. The committee will ask the Council to initiate Framework Adjustment 56, an action to set specifications for the US/CA stocks and witch flounder for fishing years 2017–18, modify the process used to set recreational management measures, establish a sub-annual catch limit for northern windowpane flounder in the scallop fishery, allocate northern windowpane flounder to groundfish sectors, modify the groundfish monitoring program, and possibly other measures. The committee will ask for approval of the range of alternatives to consider in a framework adjustment that would revise the Georges Bank haddock catch cap for the herring fishery and associated accountability measures. After lunch the Council will continue with the groundfish report and complete the discussion of the Georges Bank haddock catch cap in the Atlantic herring fishery. Last, the Atlantic Herring Committee will review outcomes of a recent workshop on an Atlantic herring acceptable biological catch control rule management strategy evaluation (MSE), and approve fishery objectives, performance metrics and features of control rules to be evaluated in the MSE.

Thursday, June 23, 2016

The final meeting day will begin with the Omnibus Industry-Funded Monitoring Amendment. The Council intends to select preferred alternatives

for monitoring coverage targets in the Atlantic herring fishery and approve the draft Environmental Assessment for public comment. The Council chair will then give an update on the recent Trawl Survey Advisory Panel meeting. The Council will review an update to NOAA's Catch Share Guidance document and review/approve any new NEFMC comments on the revised draft, if necessary. The Council will discuss and approve comments on the Northeast Regional Planning Body's draft Northeast Regional Ocean Plan. Lastly, the Risk Policy Working Group will review final guidance on implementation of the NEFMC's approved risk policy. The Council will adjourn after it addresses any other outstanding business during the afternoon of June 23rd.

Although other non-emergency issues not contained in this agenda may come before this Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Thomas A. Nies (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: May 31, 2016.

Tracey L. Thompson,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Notice of Sites Added to the Inventory of Possible Areas for Designation as New National Marine Sanctuaries

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

ACTION: Notice of sites added to the Sanctuary Nomination Process inventory of possible areas for

designation as new national marine sanctuaries.

SUMMARY: On June 13, 2014, NOAA published a final rule re-establishing the Sanctuary Nomination Process (SNP) which allows communities to submit nominations to NOAA for consideration as new national marine sanctuaries. The rule included the final review process, national significance criteria, and management considerations that NOAA uses to evaluate community nominations for inclusion in the inventory of areas that could be considered for designation as national marine sanctuaries. The rule also states that NOAA will publish a **Federal Register** notice when areas have been added to the inventory. This notice announces that NOAA has added four sanctuary nominations to the SNP inventory between June 2014 and April 2016.

FOR FURTHER INFORMATION CONTACT: Annie Sawabini, NOAA Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring MD 20910.
SUPPLEMENTARY INFORMATION:

I. Background

The National Marine Sanctuaries Act (NMSA) (16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce to identify and designate as national marine sanctuaries areas of the marine environment, including the Great Lakes, which are of special national significance; to manage these areas as the National Marine Sanctuary System; and to provide for the comprehensive and coordinated conservation and management of these areas and the activities affecting them in a manner which complements existing regulatory authorities. Section 303 of the NMSA provides national marine sanctuary designation standards and factors required in determining whether an area qualifies for consideration as a potential national marine sanctuary, and section 304 establishes procedures for national marine sanctuary designation and implementation. Regulations implementing the NMSA and each national marine sanctuary are codified in Part 922 of Title 15 of the Code of Federal Regulations.

On June 28, 2013, NOAA issued a proposed rule to re-establish the Sanctuary Nomination Process (SNP) and requested public comment on the proposed amendments to ONMS regulations (78 FR 38848). On June 13, 2014, NOAA issued a final rule addressing the nearly 18,000 comments NOAA received on the proposed rule, and finalized the national significance criteria, management considerations,

and process to nominate areas of the marine and Great Lakes environments for potential addition to the inventory of areas that may be considered for future designation as a national marine sanctuary (79 FR 33851).

As described in that rule, the final step of the SNP is the addition of specific areas to the inventory. Nominations that the ONMS Director deems to have successfully completed the reviews for sufficiency, national significance, and management considerations are added to an inventory of areas NOAA could consider for national marine sanctuary designation. For these nominations, NOAA sends a letter of notification to the nominator, and publishes a **Federal Register** notice when areas have been added to the inventory on a periodic basis. The inventory and notification letters are also posted on the ONMS Web site (<http://www.nominate.noaa.gov>). If NOAA takes no designation action on a nomination in the inventory, the nomination expires after five years from the time it is accepted to the inventory.

NOAA is not designating any new national marine sanctuaries with this action. Any designations resulting from the nomination process would be conducted by NOAA as a separate process as directed by the NMSA, Administrative Procedure Act (5 U.S.C. Subchapter II), and National Environmental Policy Act (42 U.S.C. § 4321 *et seq.*). NOAA follows all standards and requirements identified in the NMSA when it considers a nomination for designation.

II. Sanctuary Nominations Added to the Inventory

The following nominations have successfully completed the SNP review process and have been added to the inventory of possible areas for designation as new national marine sanctuaries:

1. *Mallows Bay-Potomac River National Marine Sanctuary Nomination*

The nomination for NOAA to consider the Mallows Bay area of the Potomac River as a new national marine sanctuary was submitted on September 16, 2014. The nomination was added to the inventory of successful nominations on January 12, 2015.

The Mallows Bay area of the tidal Potomac River nominated as a national marine sanctuary is an area 40 miles south of Washington, DC off the Nanjemoy Peninsula of Charles County, MD. The nominated area includes approximately 14 square miles of Maryland state waters. The designation

of a national marine sanctuary would focus on conserving the collection of maritime heritage resources (shipwrecks) in the area as well as expand the opportunities for public access, recreation, tourism, research, and education. More information can be found in the nomination: http://www.nominate.noaa.gov/nominations/nomination_maryland_mallows_bay_potomac_river.pdf.

2. *Lake Michigan—Wisconsin National Marine Sanctuary Nomination*

The nomination for NOAA to consider a Lake Michigan-Wisconsin national marine sanctuary was submitted on December 2, 2014. The nomination was added to the inventory of successful nominations on February 5, 2015.

The area nominated as a national marine sanctuary is a region that includes 875 square miles of Wisconsin's Lake Michigan waters and bottomlands adjacent to Manitowoc, Sheboygan, and Ozaukee counties and the cities of Port Washington, Sheboygan, Manitowoc, and Two Rivers. It includes 80 miles of shoreline and extends 9 to 14 miles from the shoreline. The area contains an extraordinary collection of submerged maritime heritage resources (shipwrecks) as demonstrated by the listing of 15 shipwrecks on the National Register of Historic Places. The area includes 39 known shipwrecks, 123 reported vessel losses, numerous other historic maritime-related features, and is adjacent to communities that have embraced their centuries-long relationship with Lake Michigan. More information can be found in the nomination: http://www.nominate.noaa.gov/nominations/nomination_lake_michigan_wisconsin.pdf.

3. *Chumash Heritage National Marine Sanctuary Nomination*

The nomination for NOAA to consider the Chumash Heritage area off the central coast of California as a national marine sanctuary was submitted on July 17, 2015. The nomination was added to the inventory of successful nominations on October 5, 2015.

The area proposed for the national marine sanctuary stretches from the southern border of Monterey Bay National Marine Sanctuary in Cambria along approximately 140 miles of coastline to Gaviota Creek in Santa Barbara. The area includes both state waters of California and federal waters. The proposed boundary extends westward 60 to 80 miles to include the

submerged Santa Lucia Bank, Arguello Canyon and Rodriguez Seamount. The area is characterized by converging oceanographic currents and persistent upwelling, creating highly productive conditions centered at the prominent ecological transition zone Point Conception. These combined features—high productivity and the ecological transition zone—mean many invertebrate, fish and algal species begin or end their natural ranges within the proposed sanctuary, thereby creating high biodiversity. The area's productive ecosystem also supports high densities of numerous marine mammal and bird species. Numerous cultural heritage resources are found throughout the proposed area, including more than 40 shipwrecks, as well as areas culturally significant to Native Americans, such as Point Conception, referred to as the Western Gate by the Chumash, and possibly submerged ancient villages on the continental shelf. More information can be found in the nomination: http://www.nominate.noaa.gov/nominations/nomination_chumash_heritage_071715.pdf.

4. *Lake Erie Quadrangle National Marine Sanctuary Nomination*

The nomination for NOAA to consider the Pennsylvania waters in Lake Erie for an area known as the Lake Erie Quadrangle as a national marine sanctuary was submitted on December 31, 2015. The nomination was added to the inventory of successful nominations on February 22, 2016.

The nominated site encompasses approximately 759 square miles of Pennsylvania state waters, and includes an estimated 196 shipwrecks. In addition to the historical significance of the shipwrecks themselves, this area has other nationally significant qualities. The area played an integral role in our nation's history during the War of 1812. The port of Erie, PA was a key shipbuilding port from the late 1700s through the early 20th century. It was the location where Commodore Oliver Hazard Perry's fleet was constructed for one of the most significant battles of the 1812 war. In addition, prior to the Civil War, Pennsylvania's Lake Erie waters housed the nation's largest fleet of steamboats, and were a major hub on the Underground Railroad. More information can be found in the nomination: <http://www.nominate.noaa.gov/nominations/lake-erie-proposal.pdf>.

III. Active National Marine Sanctuary Designations

While the addition of a nomination to the inventory does not designate any

new national marine sanctuaries, two (2) of the successful nominations in the list above have subsequently been selected for designation by NOAA, and have begun the designation processes as outlined in the NMSA including NEPA analysis. The notice of intent to conduct scoping and begin the designation process for the Proposed Malloes Bay-Potomac River National Marine Sanctuary was announced in the **Federal Register** on October 7, 2015 (80 FR 60634). The notice of intent to conduct scoping and begin the designation process for the Proposed Wisconsin-Lake Michigan National Marine Sanctuary was announced in the **Federal Register** on October 7, 2015 (80 FR 60631).

IV. Classification

A. National Environmental Policy Act

NOAA has concluded that this action will not have a significant effect, individually or cumulatively, on the human environment, because this action is not creating or designating any new national marine sanctuaries. Therefore, this action is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement in accordance with Section 6.03c.3(i) of NOAA Administrative Order 216-6. Specifically, this action is a notice of an administrative and legal nature. Should NOAA decide to designate a national marine sanctuary, and in cases where NOAA has decided to begin active designation as a national marine sanctuary, each individual national marine sanctuary designation will be subject to case-by-case analysis, as required under NEPA and as outlined in section 304(a)(2)(A) of the NMSA.

B. Paperwork Reduction Act

Notwithstanding any other provisions of the law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act (PRA), 44 U.S.C. 3501 *et seq.*, unless that collection of information displays a currently valid Office of Management and Budget (OMB) control number. Nominations for national marine sanctuaries discussed in this notice involve a collection-of-information requirement subject to the requirements of the PRA. OMB has approved this collection-of-information requirement under OMB control number 0648-0682.

Authority: 16 U.S.C. 1431 *et seq.*

Dated: May 23, 2016.

John Armor,

Acting Director, Office of National Marine Sanctuaries.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XE460

Takes of Marine Mammals Incidental to Specified Activities; Sand Quality Study Activities at the Children's Pool Beach, La Jolla, California

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

ACTION: Notice; issuance of an Incidental Harassment Authorization (IHA).

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an IHA to the City of San Diego to take small numbers of marine mammals, by Level B harassment, incidental to the conduct of sand quality study activities at the Children's Pool Beach in La Jolla, California.

DATES: Effective June 1, 2016 through May 30, 2017.

FOR FURTHER INFORMATION CONTACT: Dale Youngkin, Office of Protected Resources, NMFS, 301-427-8401.

SUPPLEMENTARY INFORMATION:

Background

Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*), direct the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals, by United States 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 the 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."

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 small numbers of marine mammals by harassment. Section 101(a)(5)(D) of the MMPA establishes a 45-day time limit for NMFS's review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, NMFS must either issue or deny the authorization.

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 December 14, 2015, NMFS received an application from the City of San Diego, Transportation & Storm Water Department, Storm Water Division, requesting an IHA for the taking of marine mammals incidental to the conduct of sand quality study activities. NMFS determined that the IHA application was adequate and complete on February 25, 2016. NMFS published a notice making preliminary determinations and proposing to issue an IHA on April 4, 2016 (81 FR 19137). The notice initiated a 30 day comment period.

The City of San Diego will undertake the proposed sand quality sampling activities between June 1, 2016 and December 14, 2016 at the Children's Pool Beach in La Jolla, California. Visual stimuli due to the presence of technicians on the beach and their sand sampling collection activities during the study have the potential to result in the take of marine mammals through behavioral disturbance. The IHA authorizes the take, by Level B