

*#!docketDetail;D=NOAA-NMFS-2014-0007*, or from the Western Pacific Fishery Management Council (Council), 1164 Bishop St., Suite 1400, Honolulu, HI 96813, tel 808-522-8220, [www.wpcouncil.org](http://www.wpcouncil.org).

**FOR FURTHER INFORMATION CONTACT:**

Jarad Makaiau, Sustainable Fisheries, NMFS Pacific Islands Regional Office, 808-725-5176.

**SUPPLEMENTARY INFORMATION:** Section 204(e) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) authorizes the Secretary of State, with the concurrence of the Secretary of Commerce (Secretary) and in consultation with the Council, to negotiate and enter into a Pacific Insular Area fishery agreement (PIAFA). A PIAFA would allow foreign fishing within the U.S. Exclusive Economic Zone (EEZ) adjacent to American Samoa, Guam, or the Northern Mariana Islands with the concurrence of, and in consultation with, the Governor of the Pacific Insular Area to which the PIAFA applies. Before entering into a PIAFA, the appropriate Governor, with the concurrence of the Council, must develop a 3-year MCP providing details on uses for any funds collected by the Secretary under the PIAFA.

The Magnuson-Stevens Act requires payments received under a PIAFA to be deposited into the United States Treasury and then conveyed to the Treasury of the Pacific Insular Area for which funds were collected. In the case of violations by foreign fishing vessels in the EEZ around any Pacific Insular Area, amounts received by the Secretary attributable to fines and penalties imposed under the Magnuson-Stevens Act, including sums collected from the forfeiture and disposition or sale of property seized subject to its authority, shall be deposited into the Treasury of the Pacific Insular Area adjacent to the EEZ in which the violation occurred, after direct costs of the enforcement action are subtracted. The government may use funds deposited into the Treasury of the Pacific Insular Area for fisheries enforcement and for implementation of an MCP.

An MCP must be consistent with the Council's fishery ecosystem plans, must identify conservation and management objectives (including criteria for determining when such objectives have been met), and must prioritize planned marine conservation projects. Although no foreign fishing is being considered at this time, at its 160th meeting held June 24-27, 2014, in Honolulu, the Council reviewed and approved the MCP for the Commonwealth of the Northern Mariana

Islands (CNMI) and recommended its submission to the Secretary for approval. On July 11, 2014, the Governor of the CNMI submitted the MCP to NMFS, the designee of the Secretary, for review and approval.

The CNMI MCP contains seven conservation and management objectives, listed below. Please refer to the MCP for planned projects and activities designed to meet each objective, the evaluative criteria, and priority rankings.

**MCP Objectives:**

1. Improve fisheries data collection and reporting.
2. Conduct resource assessment, monitoring, and research to gain a better understanding of marine resources and fisheries.
3. Conduct enforcement training and monitoring activities to promote compliance with federal and local mandates.
4. Promote responsible domestic fisheries development to provide long-term economic growth, stability, and local food production.
5. Conduct education and outreach, enhance public participation, and build local capacity.
6. Promote an ecosystem approach to fisheries management, climate change adaptation and mitigation, and regional cooperation.
7. Recognize the importance of island cultures and traditional fishing practices in managing fishery resources, and foster opportunities for participation.

This notice announces that NMFS has determined that the CNMI MCP satisfies the requirements of the Magnuson-Stevens Act and approves the MCP for the 3-year period from August 4, 2014, through August 3, 2017. This MCP supersedes the one approved for the period August 4, 2011 through August 3, 2014 (76 FR 50183, August 12, 2011).

Dated: July 21, 2014.

**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-XC588**

**Marine Mammals; File No. 17344**

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that a permit has been issued to Samuel Wasser, Ph.D., University of Washington, Department of Biology, P.O. Box 351800, Seattle, WA 98195 to conduct research on killer whales (*Orcinus orca*).

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in 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.

**FOR FURTHER INFORMATION CONTACT:**

Courtney Smith or Jennifer Skidmore, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On April 10, 2013, notice was published in the *Federal Register* (78 FR 21347) that a request for a permit to conduct research on killer whales had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (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.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

The permit authorizes research on killer whales of the endangered Eastern North Pacific Southern Resident stock in waters of Washington, including the San Juan Islands and Puget Sound. The objective of the research is to use noninvasive physiological and genetic measures to examine the impacts of the three major threats to this stock: (1) Reduced prey ability; (2) excessive exposures to environmental contaminants; and (3) disturbance from private and commercial vessel traffic. The primary research method is the collection of opportunistic fecal samples, which would be scooped from the water column and then analyzed for genetics, hormones, and contaminants. Each year, the entire population of Southern Resident killer whales (currently estimated at 80 individuals) would be approached up to six times for photo-identification and fecal sampling. Fifteen killer whales of the Eastern North Pacific transient stock may also be approached annually for the same activities. The permit would be valid for five years.

In compliance with the National Environmental Policy Act of 1969 (42

U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

As required by the ESA, issuance of this permit was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: July 21, 2014.

**Julia Harrison,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XD371

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Space Vehicle and Missile Launch Operations at Kodiak Launch Complex, Alaska

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

**ACTION:** Notice of issuance of a Letter of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that a Letter of Authorization (LOA) has been issued to the Alaska Aerospace Corporation (AAC) to take two species of pinnipeds incidental to space vehicle and missile launch operations at the Kodiak Launch Complex (KLC) in Kodiak, Alaska.

**DATES:** Effective from August 1, 2014, through July 31, 2015.

**ADDRESSES:** The LOA and supporting documentation are available for review on the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may also be viewed, by appointment, during regular business hours at the following address: Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3225.

**FOR FURTHER INFORMATION CONTACT:** Shane Guan, Office of Protected Resources, NMFS, 301-427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

Sections 101(a)(5)(A) of the MMPA (16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. 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. Under the MMPA, the term “take” means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill marine mammals.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the identified 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 in the regulations. 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.”

Regulations governing the taking of Steller sea lions (*Eumetopias jubatus*), by harassment, and harbor seals (*Phoca vitulina*) (adults by harassment and pups by injury or mortality), incidental to space vehicle and missile launch operations at the KLC, were issued on March 22, 2011 (76 FR 16311, March 23, 2011), and remain in effect until March 21, 2016. For detailed information on the action, please refer to that document. The regulations include mitigation, monitoring, and reporting requirements for the incidental take of marine mammals during space vehicle and missile launch operations at the KLC.

##### Summary of Request

On July 1, 2014, NMFS received a request from the AAC for renewal of an LOA issued on July 16, 2013, authorizing the take of marine mammals incidental to a maximum of 12 space launch vehicles, long-range ballistic target missiles, and other smaller missile systems at the KLC. The AAC has complied with the measures required in 50 CFR 217.70-75, as well as the associated 2013-2014 LOA, and

submitted the reports and other documentation required by the final rule and the 2013-2014 LOA.

##### Summary of Activity Under the 2013-2014 LOA

As described in the AAC's 2013-2014 annual report, launch activities conducted at the KLC were within the scope and amounts authorized by the 2013-2014 LOA and the levels of take remain within the scope and amounts contemplated by the final rule. Zero launches occurred at the KLC under the 2013-2014 LOA.

##### Planned Activities and Estimated Take for 2014-2015

In 2014-2015, the AAC expects to conduct the same type and amount of launches identified in the 2013-2014 LOA. Similarly, the authorized take will remain within the annual estimates analyzed in the final rule.

##### Summary of Monitoring and Reporting Under the 2013-2014 LOA

The AAC submitted their annual monitoring report within the required timeframe and the report is posted on NMFS Web site: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. NMFS has reviewed the report and it contains the information required by the 2013-2014 LOA. The AAC's monitoring activities included four quarterly aerial surveys on July 16, 2013, October 1, 2013, November 14, 2013, and January 21, 2014. The results from these surveys were typical and showed 144-955 harbor seals and no Steller sea lions.

##### Authorization

The AAC complied with the requirements of the 2013-2014 LOA. Based on our review of the record, NMFS has determined that the marine mammal take resulting from the 2013-2014 launch operations falls within the levels previously anticipated, analyzed, and authorized. The record supports NMFS' conclusion that the number of marine mammals taken by the 2014-2015 launch operations will have no more than a negligible impact on the affected species or stock of marine mammals and will not have an unmitigable adverse impact on the availability of these species or stocks for taking for subsistence uses. Accordingly, NMFS has issued a 1-year LOA for launch operations conducted at the KLC from August 1, 2014, through July 31, 2015.