

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****RIN 0648—XE689****Marine Mammals; File No. 18529**

**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 Janice Straley, University of Alaska Southeast, 1332 Seward Ave., Sitka, AK 99835, to conduct research on cetaceans.

**ADDRESSES:** The permit and related documents are available for review 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.

**FOR FURTHER INFORMATION CONTACT:** Carrie Hubard or Amy Sloan, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On June 27, 2016, notice was published in the *Federal Register* (81 FR 41524) that a request for a permit to conduct research on large 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.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Permit No. 18529 authorizes research on large whales in Alaska, focusing on humpback whales (*Megaptera novaeangliae*), sperm whales (*Physeter macrocephalus*), and killer whales (*Orcinus orca*). Research methods include photo-identification, behavioral observations, biopsy sampling, suction cup and dart tagging, underwater photography/video, and prey-mapping sonar. Prey samples, blow, sloughed skin and feces would also be collected. In addition to the three focus species, six other large whale species and seven small cetacean species would be targeted for research. The permit expires on August 31, 2021.

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: September 21, 2016.

**Julia Harrison,**

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

[FR Doc. 2016-23099 Filed 9-23-16; 8:45 am]

**BILLING CODE 3510-22-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****RIN 0649—XE898****Gulf of Mexico Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Gulf of Mexico Fishery Management Council will hold a meeting of its Law Enforcement Technical Committee (LETC), in conjunction with the Gulf States Marine Fisheries Commission's Law Enforcement Committee (LEC).

**DATES:** The meeting will convene on Thursday, October 13, 2016; starting 8:30 a.m. and will adjourn at 5 p.m.

**ADDRESSES:** The meeting will be held at the JW Marriott New Orleans, located at 614 Canal Street, New Orleans, LA 70130; telephone: (504) 525-6500.

**Council address:** Gulf of Mexico Fishery Management Council, 2203 N. Lois Avenue, Suite 1100, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Mr. Steven Atran, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; [steven.atran@gulfcouncil.org](mailto:steven.atran@gulfcouncil.org), telephone: (813) 348-1630, and Mr. Steve Vanderkooy, Inter-jurisdictional Fisheries Coordinator, Gulf States Marine Fisheries Commission; [svanderkooy@gsmfc.org](mailto:svanderkooy@gsmfc.org), telephone: (228) 875-5912.

**SUPPLEMENTARY INFORMATION:** The items of discussion on the agenda are as follows:

Thursday, October 13, 2016, 8:30 a.m.–5 p.m.

1. Welcome
2. LEC and LETC Voting Procedures
3. Adoption of Agenda
4. Election of GMFMC LETC Chair and Vice-chair
5. Election of GSMFC LEC Chair and Vice-chair
6. Approval of Minutes
  - a. Approval of minutes of March 16, 2016 Joint LEC/LETC meeting
- Gulf Council LETC Items
7. Solicitation for Candidates for 2017 Officer of the Year Award
8. Draft Reef Fish Amendment 36A—Commercial IFQ Program Modifications
9. Draft Reef Fish Amendment 46—Gray Triggerfish Rebuilding Plan
10. Draft Generic Amendment to Require Electronic Reporting for For-hire Vessels
11. Draft Framework Action—Mutton Snapper ACL and Management Measures and Gag Commercial Size Limit
- GSMFC LEC Items
12. Anthropocene Institute's Marine Managed Area Project
13. State Boundary and Jurisdictional Extensions
14. Approval of GSMFC Pubs
  - a. Strategic Plan 2017–2020
  - b. Operations Plan 2017–2018
15. IJF Program Activity
  - a. Tripletail
  - b. Atlantic Croaker
16. State Report Highlights
  - a. Florida
  - b. Alabama
  - c. Mississippi
  - d. Louisiana
  - e. Texas
  - f. USCG
  - g. NOAA OLE
  - h. USFWS
17. Other Business
- Meeting Adjourns—

The Agenda is subject to change. The latest version of the agenda along with other meeting materials will be posted on the Council's file server, which can be accessed by going to the Council Web site at <http://www.gulfcouncil.org> and clicking on File Server under Quick Links. For meeting materials see folder "LETC Meeting—2016–10" on Gulf Council file server. The username and password are both "gulfguest".

The Law Enforcement Technical Committee consists of principal law enforcement officers in each of the Gulf States, as well as the NOAA Law Enforcement, U.S. Fish and Wildlife Service, the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement.

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

Dated: September 21, 2016.

**Tracey Thompson,**

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

[FR Doc. 2016-23067 Filed 9-23-16; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XE890**

#### **Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training and Testing Activities in the Mariana Islands Training and Testing Study Area and the Atlantic Fleet Training and Testing Study Area**

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

**ACTION:** Notice of issuance of modified Letters of Authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA), as amended, and implementing regulations, notification is hereby given that modified Letters of Authorization (LOAs) have been issued to the U.S. Navy (Navy) for the take of marine mammals incidental to training and testing activities conducted in the Mariana Islands Training and Testing (MITT) Study Area and the Atlantic Fleet Training and Testing (AFTT) Study Area. These modifications reflect changes to Navy watchstander (lookout) reporting requirements, which do not affect current mitigation measures, for observed behavior of marine mammals during Major Training Exercises (MTEs) in the MITT and AFTT study areas.

**DATES:** MITT: Effective through April 3, 2020; AFTT: Effective through November 13, 2018.

**ADDRESSES:** The LOAs and supporting documentation are available online at: [www.nmfs.noaa.gov/pr/permits/incidental/military.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/military.htm). In case of problems accessing these documents, please call the contact listed below.

**FOR FURTHER INFORMATION CONTACT:** John Fiorentino, 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 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 or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An authorization for 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."

The National Defense Authorization Act of 2004 (Pub. L. 108-136) removed the "small numbers" and "specified geographical region" limitations indicated above and amended the definition of "harassment" as applies to a "military readiness activity" to read as follows (section 3(18)(B) of the MMPA, 16 U.S.C. 1362(18)(B)): "(i) any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild" (Level A Harassment); or "(ii) any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered" (Level B Harassment).

#### **Summary of Request**

On December 4, 2013 and August 3, 2015, NMFS issued regulations under the MMPA governing the unintentional taking of marine mammals incidental to training and testing activities conducted in the AFTT and MITT study areas, respectively (78 FR 73010; 80 FR 46112). These regulations allowed us to issue LOAs for the incidental take of marine mammals during the Navy's specified activities and timeframes, set forth the permissible methods of taking, set forth other means of effecting the least practicable adverse impact on marine mammal species or stocks and their habitat, and set forth requirements pertaining to the monitoring and reporting of the incidental take. On June 3, 2015, proposed changes to the watchstander reporting requirements for AFTT and MITT (and other active Navy Phase II training and testing rulemakings—*i.e.*, Hawaii-Southern California Training and Testing; Gulf of Alaska Temporary Maritime Activities Area Training) were included in the proposed rule for the Navy's training and testing activities in the Northwest Training and Testing (NWT) Study Area (80 FR 31738). There were no comments received on the proposed watchstander modifications during the 45-day public comment period for the NWT proposed rule, and NMFS issued regulations reflecting the new watchstander reporting modifications on November 24, 2015 (80 FR 73556).

#### **Authorization**

We have issued modified LOAs to the Navy authorizing the take of marine mammals incidental to training and testing activities, as described above; no changes to the LOAs other than the watchstander reporting modifications have been made. With these watchstander modifications, the Navy would no longer be required to report individual marine mammal sighting information when mitigation is not being implemented during the MTEs. After five years of collecting marine mammal sighting data for all animals sighted during MTEs, NMFS and the Navy have determined that this data set does not provide for any meaningful analysis beyond that which may be possible using mitigation-related observations alone because the Navy is unable to identify species information. NMFS and the Navy have thoroughly investigated several potential uses for the data prior to reaching this conclusion. Additionally, as discussed during the adaptive management process, this reporting requirement places an administrative burden on