

Dated: May 3, 2012.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC020

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Notice; availability of hatchery plans and request for comment

SUMMARY: Notice is hereby given that the Oregon Department of Fish and Wildlife (ODFW) has submitted four Hatchery and Genetic Management Plans (HGMPs) pursuant to the protective regulations promulgated for Pacific salmon and steelhead under the Endangered Species Act (ESA). The HGMPs specify the operations of four hatchery programs rearing salmon and steelhead in the Sandy River subbasin within the State of Oregon. This document serves to notify the public of the availability of the HGMPs and associated draft environmental assessment (EA) for comment prior to a decision by NMFS whether to approve the proposed hatchery programs.

DATES: Comments must be received at the appropriate address or fax number (see **ADDRESSES**) no later than 5 p.m. Pacific time on June 8, 2012.

ADDRESSES: Written comments on the application should be addressed to the NMFS Salmon Management Division, 1201 NE Lloyd Boulevard, Suite 1100, Portland, OR 97232, or faxed to 503-872-2737. Comments may be submitted by email. The mailbox address for providing email comments is: SandyHatcheries.nwr@noaa.gov. Include in the subject line of the email comment the following identifier: Comments on Oregon's Sandy hatchery plans.

FOR FURTHER INFORMATION CONTACT: Rich Turner, at phone number: (503) 736-4737, or email: Rich.Turner@noaa.gov.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): threatened, naturally

produced and artificially propagated Lower Columbia River.

Chum salmon (*O. keta*): threatened, naturally produced and artificially propagated Columbia River.

Coho salmon (*O. kisutch*): threatened, naturally produced and artificially propagated Lower Columbia River.

Steelhead (*O. mykiss*): threatened, naturally produced and artificially propagated Lower Columbia River.

Pacific eulachon (*Thaleichthys pacificus*): threatened, naturally produced southern distinct population segment.

ODFW has submitted to NMFS four HGMPs describing hatchery programs that release salmon and steelhead into the Sandy River in a manner that is intended to comply with requirements of the ESA under limit 5 of the 4(d) Rule. The programs are designed to meet mitigation responsibilities related to impacts from development in the Sandy River and Columbia River basins by providing hatchery fish to support fishing opportunities while minimizing potential risks to natural-origin spring Chinook salmon, coho salmon, and winter steelhead populations, consistent with Oregon's Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead.

As specified in the July 10, 2000, ESA 4(d) rule for salmon and steelhead (65 FR 42422) and updated June 28, 2005 (70 FR 37160), NMFS may approve an HGMP if it meets criteria set forth in 50 CFR 223.203(b)(5)(i)(A) through (K). Prior to final approval of an HGMP, NMFS must publish notification announcing its availability for public review and comment.

Authority

Under section 4 of the ESA, the Secretary of Commerce is required to adopt such regulations as he deems necessary and advisable for the conservation of species listed as threatened. The ESA salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005) specifies categories of activities that contribute to the conservation of listed salmonids and sets out the criteria for such activities. Limit 5 of the updated 4(d) rule (50 CFR 223.203(b)(5)) further provides that the prohibitions of paragraph (a) of the updated 4(d) rule (50 CFR 223.203(a)) do not apply to activities associated with artificial propagation programs provided that an HGMP has been approved by NMFS to be in accordance with the salmon and steelhead 4(d) rule (65 FR 42422, July 10, 2000, as updated in 70 FR 37160, June 28, 2005).

Dated: May 3, 2012.

Angela Somma,

Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Extension of Application Period for Seats for the Channel Islands National Marine Sanctuary Advisory Council

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

ACTION: Notice of extension for application period and request for applications.

SUMMARY: The ONMS is extending the deadline and seeking applications for the following vacant seats on the Channel Islands National Marine Sanctuary Advisory Council: Chumash Community Member and Alternate. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the protection and management of marine resources; and possibly the length of residence in the area affected by the sanctuary. Applicants who are chosen as members should expect to serve two-year terms, pursuant to the council's Charter.

DATES: Applications are due by May 16, 2012.

ADDRESSES: Application kits may be obtained at <http://www.channelislands.noaa.gov/sac/news.html>. Completed applications should be sent to Sara.Hutto@noaa.gov.

FOR FURTHER INFORMATION CONTACT: Michael Murray, Channel Islands National Marine Sanctuary, 113 Harbor Way Suite 150 Santa Barbara, CA 93109-2315, 805-884-1464 extension 464, michael.murray@noaa.gov.

SUPPLEMENTARY INFORMATION: The Council was originally established in December 1998 and has a broad representation consisting of 21 members, including ten government agency representatives and eleven members from the general public. The Council functions in an advisory capacity to the Sanctuary Superintendent. The Council works in concert with the Sanctuary

Superintendent by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Superintendent in achieving the goals of the National Marine Sanctuary Program. Specifically, the Council's objectives are to provide advice on: (1) Protecting natural and cultural resources and identifying and evaluating emergent or critical issues involving Sanctuary use or resources; (2) Identifying and realizing the Sanctuary's research objectives; (3) Identifying and realizing educational opportunities to increase the public knowledge and stewardship of the Sanctuary environment; and (4) Assisting to develop an informed constituency to increase awareness and understanding of the purpose and value of the Sanctuary and the National Marine Sanctuary Program.

Authority: 16 U.S.C. 1431, *et seq.*
(Federal Domestic Assistance Catalog
Number 11.429 Marine Sanctuary Program)

Dated: April 26, 2012.

Daniel J. Basta,

*Director, Office of National Marine
Sanctuaries, National Ocean Service,
National Oceanic and Atmospheric
Administration.*

[FR Doc. 2012-11031 Filed 5-8-12; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XA961

Takes of Marine Mammals Incidental to Specified Activities; Low-Energy Marine Geophysical Survey in the South-Eastern Pacific Ocean, May, 2012

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

ACTION: Notice; issuance of an Incidental
Take Authorization.

SUMMARY: In accordance with the
Marine Mammal Protection Act
(MMPA) regulation, notification is
hereby given that NMFS has issued an
Incidental Harassment Authorization
(IHA) to the Scripps Institution of
Oceanography (SIO) to take marine
mammals, by Level B harassment,
incidental to conducting a low-energy
marine geophysical (*i.e.*, seismic) survey
in the south-eastern Pacific Ocean, May,
2012.

DATES: Effective May 4, 2012 through
June 29, 2012.

ADDRESSES: A copy of the final IHA and
application are available by writing to
Tammy Adams, Acting Chief, Permits
and Conservation Division, Office of
Protected Resources, National Marine
Fisheries Service, 1315 East-West
Highway, Silver Spring, MD 20910 or by
telephoning the contacts listed here.

A copy of the IHA application
containing a list of the references used
in this document may be obtained by
writing to the above address,
telephoning the contact listed here (see
FOR FURTHER INFORMATION CONTACT) or
visiting the Internet at: [http://
www.nmfs.noaa.gov/pr/permits/
incidental.htm#applications](http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications).

FOR FURTHER INFORMATION CONTACT:
Howard Goldstein or Jolie Harrison,
Office of Protected Resources, NMFS,
301-427-8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the MMPA
(16 U.S.C. 1371 (a)(5)(D)) directs the
Secretary of Commerce (Secretary) to
authorize, upon request, the incidental,
but not intentional, taking of small
numbers of marine mammals of a
species or population stock, 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, if the
taking is limited to harassment, a notice
of a proposed authorization is provided
to the public for review.

Authorization for the incidental
taking of small numbers of marine
mammals shall be granted if NMFS
finds that the taking will have a
negligible impact on the species or
stock(s), and will not have an
unmitigable adverse impact on the
availability of the species or stock(s) for
subsistence uses (where relevant). The
authorization must set forth the
permissible methods of taking, other
means of effecting the least practicable
impact on the species or stock and its
habitat, and requirements pertaining to
the mitigation, monitoring and reporting
of such takings. 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].

The National Science Foundation
(NSF) has prepared a “National
Environmental Policy Act Analysis
Pursuant to Executive Order 12114 of a
Marine Geophysical Survey by the R/V
Melville in the South-Eastern Pacific
Ocean May 2012.” The analysis
incorporates an “Final Environmental
Analysis of a Marine Geophysical
Survey by the R/V *Melville* in the South-
Eastern Pacific Ocean off Chile, May
2012,” prepared by LGL Ltd.,
Environmental Research Associates
(LGL), on behalf of NSF and SIO, which
is also available at the same internet
address. To meet NMFS's NEPA
requirements for the issuance of an IHA
to SIO, NMFS prepared an
“Environmental Assessment on the
Issuance of an Incidental Harassment
Authorization to the Scripps Institution
of Oceanography to Take Marine
Mammals by Harassment Incidental to a
Marine Geophysical Survey in the
South-Eastern Pacific Ocean, May,
2012.” NMFS also issued a Biological
Opinion (BiOp) under section 7 of the
Endangered Species Act (ESA) to
evaluate the effects of the survey and
IHA on marine species listed as
threatened or endangered. The NMFS
BiOp will be available online at: [http://
www.nmfs.noaa.gov/pr/consultations/
opinions.htm](http://www.nmfs.noaa.gov/pr/consultations/opinions.htm). Documents cited in this
notice may be viewed, by appointment,
during regular business hours, at the
aforementioned address.

Summary of Request

NMFS received an application on
December 23, 2011, from SIO for the
taking by harassment, of marine
mammals, incidental to conducting a
low-energy marine seismic survey in the