

The CBD petition referenced the simulations performed by Beerkircher *et al.* (2009) and stated they were an indication of population decline. The CBD petition does not include any additional information indicating how these simulations indicate extinction risk. We carefully reviewed the simulations; we noted they include the period 1955 through 1999 when the marked decline in white marlin catch occurred, and do not project through subsequent years when bycatch was stabilized and reduced. Therefore we do not find this simulated decline in roundscale spearfish concurrent with white marlin surprising, as the simulations are partitioning the noted decline in one species' (white marlin) catch rates that occurred through the 1990s across two species (white marlin and roundscale spearfish). We conclude the simulations do not provide relevant information regarding the extinction risk of white marlin or information on the current status of the white marlin.

In summary, the petitions do not present information regarding the decline of white marlin catches in the 1990s that we have not already considered in prior determinations as discussed (see "Species Description"). There is no information in our files to suggest our prior conclusions regarding the 1990s decline in white marlin catch were incorrect or insufficient. We conclude the characterization of continuing population decline in the petitions is unsubstantiated. The petitions did not provide substantial information that white marlin populations are unstable or that species misclassification poses an extinction risk. Therefore we conclude the petitions do not present substantial scientific information indicating that listing may be warranted due to overutilization for commercial and recreational purposes.

Inadequacy of Existing Regulatory Mechanisms

The CBD petition states Lynch *et al.* (2011) "demonstrates that existing regulatory mechanisms are inadequate to prevent the decline of white marlin." We carefully reviewed Lynch *et al.* (2011) and could not find statements supporting CBDs' assertions. In fact, Lynch *et al.* (2011) states measures already implemented are likely beneficial to some degree; in combination, reductions in landing and live release "should slow and possibly reverse downward population trends * * * some evidence of population response to these management strategies may already be observable." The Chambers petition states that ICCAT is

not managing the white marlin to produce the maximum sustainable yield, but does not explain how this leads to extinction risk of concern. Fishery management targets, such as maximum sustainable yield, and statuses, are based on different criteria than that required by the ESA and, thus, do not necessarily have any relationship to a species' extinction risk. There is no information in our files that indicates the current regulatory mechanisms are insufficient to prevent endangerment of the white marlin. The petitions did not present other information to indicate how the inadequacy of existing regulatory mechanisms is an extinction risk to the white marlin.

While the petitions state additional regulations are required to ensure rebuilding of the marlin populations, they do not provide any explanation on how the existing regulatory mechanisms are inadequate to prevent endangerment of the white marlin. In summary we find the petitions, and information readily available in our files, do not present substantial information to suggest the existing regulatory mechanisms are inadequate and may be causing an extinction risk for white marlin.

After reviewing the information contained in the petitions, as well as information readily available in our files, we conclude these petitions do not present substantial scientific or commercial information indicating the petitioned action may be warranted.

References Cited

A complete list of all references is available upon request from the Protected Resources Division of the NMFS Southeast Regional Office (see **ADDRESSES**).

Authority: The authority for this action is the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*).

Dated: January 25, 2013.

Alan D. Risenhoover,

Director, Office of Sustainable Fisheries, performing the functions and duties of the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 2013-02008 Filed 1-29-13; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC300

Notice of Intent To Prepare a Supplemental Draft Environmental Impact Statement on the Effects of Oil and Gas Activities in the Arctic Ocean

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

ACTION: Notice of Intent to prepare a Supplemental Draft Environmental Impact Statement.

SUMMARY: The National Marine Fisheries Service (NMFS) announces its intent to prepare a Supplemental Draft Environmental Impact Statement (DEIS) that would include an analysis of the environmental impacts of issuing Marine Mammal Protection Act (MMPA) Incidental Take Authorizations (ITAs) to the oil and gas industry for the taking of marine mammals incidental to offshore exploration activities (e.g., seismic surveys and exploratory drilling) in Federal and state waters of the U.S. Chukchi and Beaufort Seas off Alaska. The Department of the Interior's Bureau of Ocean Energy Management (BOEM) and the North Slope Borough are cooperating agencies on this EIS. The Environmental Protection Agency is serving as a consulting agency, and NMFS is coordinating with the Alaska Eskimo Whaling Commission pursuant to our co-management agreement under the MMPA.

DATES: Effective January 30, 2013.

ADDRESSES: Information on this project can be found on the Office of Protected Resources Web page at: <http://www.nmfs.noaa.gov/pr/permits/eis/arctic.htm>.

FOR FURTHER INFORMATION CONTACT:

Michael Payne, Jolie Harrison, or Candace Nachman, 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 proposed

authorization is provided to the public for review. The term “take” under the MMPA means “to harass, hunt, capture, or kill, or attempt to harass, hunt, capture, or kill any marine mammal.” 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].”

Authorization for incidental take 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.”

Summary of 2011 Draft Environmental Impact Statement

On February 8, 2010, NMFS, as lead agency, announced its intent to prepare an EIS analyzing the impacts to the human environment from the issuance of MMPA ITAs for the take of marine mammals incidental to oil and gas industry exploration activities in the U.S. Arctic Ocean and BOEM’s proposed action of issuing geological &

geophysical (G&G) permits and authorization of ancillary activities in the U.S. Arctic Ocean under the Outer Continental Shelf Lands Act (OCSLA) (75 FR 6175). The 60-day public scoping period ended on April 9, 2010.

On December 30, 2011, NMFS published a Notice of Availability of the Draft EIS in the **Federal Register** (76 FR 82275). The Draft EIS includes an analysis of the proposed actions identified in the 2010 NOI (i.e., NMFS’ issuance of MMPA ITAs for take of marine mammals incidental to G&G surveys, ancillary activities, and exploratory drilling in the Chukchi and Beaufort Seas and BOEM’s issuance of G&G permits and authorizations of ancillary activities in the Chukchi and Beaufort Seas), the anticipated environmental impacts, and other measures to minimize the impacts associated with these activities. The 60-day public comment period closed on February 28, 2012.

In light of comments received on the Draft EIS, NMFS and BOEM determined that the Final EIS would benefit from the inclusion of additional alternatives for analysis that cover a broader range of potential levels of exploratory drilling scenarios in the Beaufort and Chukchi Seas. The alternatives are based upon the agencies’ analysis of additional information, including the comments and information submitted by stakeholders during the Draft EIS public comment period. Incorporating these alternatives is intended to facilitate consideration of a broader range of possible future offshore activity, thus addressing comments on the Draft EIS and extending the applicability of the document. Revisions to the document will also incorporate information in response to comments received from the public regarding other issues, such as

analysis of potential mitigation measures.

Alternatives

The alternatives analyzed in the 2011 Draft EIS are summarized in the Draft EIS Notice of Availability (76 FR 82275, December 30, 2011). However, as noted previously NMFS and BOEM have concluded that additional activity level scenarios should be considered in a Supplemental Draft EIS. Consistent with the 2011 Draft EIS, the alternatives will assess a reasonable range of G&G, ancillary, and exploratory drilling activities expected to occur, as well as a reasonable range of mitigation measures, in order to accurately assess the potential consequences of issuing ITAs under the MMPA and permits under the OCSLA. Each alternative includes an analysis of a suite of standard and additional mitigation measures that have been identified to help reduce impacts to marine mammals and to ensure no unmitigable adverse impact on the availability of marine mammals for subsistence uses.

The primary difference between the upcoming Supplemental Draft EIS and the 2011 Draft EIS will be in the treatment of alternatives. In particular, NMFS and BOEM will analyze an additional alternative that considers up to four exploratory drilling programs in the Beaufort Sea and up to four exploratory drilling programs in the Chukchi Sea per year. In the 2011 Draft EIS, the maximum level of exploratory drilling considered in the alternatives was two exploratory drilling programs in the Beaufort Sea and two exploratory drilling programs in the Chukchi Sea per year. Table 1 outlines the activity levels to be considered in each action alternative. Activity levels noted are a maximum for each alternative.

TABLE 1—LEVELS OF G&G, ANCILLARY, AND EXPLORATORY DRILLING ACTIVITIES PROPOSED FOR CONSIDERATION IN THE ALTERNATIVES IN THE SUPPLEMENTAL DRAFT EIS ON THE EFFECTS OF OIL AND GAS ACTIVITIES IN THE ARCTIC OCEAN. ACTIVITY LEVELS NOTED ARE A MAXIMUM, AND ANY COMBINATION UP TO THAT AMOUNT COULD BE ALLOWED UNDER EACH ALTERNATIVE

	2D/3D Seismic surveys	Site clearance and shallow hazards surveys	On-ice seismic surveys	Exploratory drilling
Alternative 1 (No Action)	0	0	0	0
Alternative 2 (Level 1)	4 in Beaufort	3 in Beaufort	1 in Beaufort	1 in Beaufort
	3 in Chukchi	3 in Chukchi	0 in Chukchi	1 in Chukchi.
Alternative 3 (Level 2)	6 in Beaufort	5 in Beaufort	1 in Beaufort	2 in Beaufort
	5 in Chukchi	5 in Chukchi	0 in Chukchi	2 in Chukchi.
Alternative 4 (Level 3)	6 in Beaufort	5 in Beaufort	1 in Beaufort	4 in Beaufort
	5 in Chukchi	5 in Chukchi	0 in Chukchi	4 in Chukchi.
Alternative 5 (Level 3 with required time/area closures).	6 in Beaufort	5 in Beaufort	1 in Beaufort	4 in Beaufort
	5 in Chukchi	5 in Chukchi	0 in Chukchi	4 in Chukchi.

TABLE 1—LEVELS OF G&G, ANCILLARY, AND EXPLORATORY DRILLING ACTIVITIES PROPOSED FOR CONSIDERATION IN THE ALTERNATIVES IN THE SUPPLEMENTAL DRAFT EIS ON THE EFFECTS OF OIL AND GAS ACTIVITIES IN THE ARCTIC OCEAN. ACTIVITY LEVELS NOTED ARE A MAXIMUM, AND ANY COMBINATION UP TO THAT AMOUNT COULD BE ALLOWED UNDER EACH ALTERNATIVE—Continued

	2D/3D Seismic surveys	Site clearance and shallow hazards surveys	On-ice seismic surveys	Exploratory drilling
Alternative 6 (any level with required use of alternative technologies).	6 in Beaufort 5 in Chukchi	5 in Beaufort 5 in Chukchi	1 in Beaufort 0 in Chukchi	Any level up to the maximum, as the technology only relates to seismic surveys.

Alternatives 5 and 6 differ from Alternatives 2, 3, and 4 in the fact that each one considers required mitigation measures not contemplated in the other action alternatives. Certain time/area closures considered for mitigation on a case-by-case basis under the other action alternatives would be required under Alternative 5. The time/area closures would be for specific areas important to biological productivity, life history functions for specific species of concern, and subsistence activities. Activities would not be permitted to occur in any of the time/area closures during the specific identified periods. Additionally, buffer zones around these time/area closures could potentially be included.

In addition to contemplating the same suite of standard and additional mitigation measures analyzed in the other action alternatives, Alternative 6 also includes specific additional mitigation measures that focus on the use of alternative technologies that have the potential to augment or replace traditional airgun-based seismic exploration activities in the future.

Although NMFS is not soliciting comments and information from the public at this time, the agencies will use the information submitted by the public on the Draft EIS to inform the content and analysis in the Supplemental Draft EIS. The public will then have the opportunity to comment on the Supplemental Draft EIS upon its publication. Additionally, the public will have the opportunity to comment on any applications received under the MMPA as part of this action.

Dated: January 24, 2013.

Helen M. Golde,

*Acting Director, Office of Protected Resources,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC471

New England Fishery Management Council; Public Meeting

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

ACTION: Notice; public meeting.

SUMMARY: The New England Fishery Management Council's (Council) Recreational Advisory Panel will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Friday, February 15, 2013 at 9:30 a.m.

ADDRESSES: The meeting will be held at the DoubleTree by Hilton Boston North Shore, 50 Ferncroft Road, Danvers, MA 01923.

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (978) 465-0492.

SUPPLEMENTARY INFORMATION: The items of discussion in the committee's agenda are as follows:

The Recreational Advisory Panel (RAP) will meet to discuss recreational management measures for Gulf of Maine cod and Gulf of Maine haddock for fishing year 2013. Measures may need to be modified because of reduced quotas for these two stocks. The RAP will consider alternative management measures and may make recommendations for changes to account for these reductions. The RAP's advice will be provided to the New England Fishery Management Council and its Groundfish Oversight Committee. These two bodies may develop recommendations based on this

advice which will be forwarded to the National Marine Fisheries Service (NMFS) for consideration. Framework Adjustment 48, currently under review, may revise measures to allow changes to recreational management measures in advance of the fishing year in order to reduce the possibility of overages, or facilitate harvesting the recreational allocations. Subject to the final decision on this management measure that was proposed in Framework Adjustment 48, NMFS may adjust measures for fishing year 2013. Any changes would be announced as soon as possible. Other business may be discussed.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice 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 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 Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: January 25, 2013.

Tracey L. Thompson,

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

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