

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XR072]

Endangered Species; File Nos. 22671–01, 23096, and 23200

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

ACTION: Notice; receipt of applications for permits and a permit modification.

SUMMARY: Notice is hereby given that three applicants have applied in due form for a permit to take Atlantic (*Acipenser oxyrinchus*) and shortnose (*Acipenser brevirostrum*) sturgeon for purposes of scientific research.

DATES: Written, telefaxed, or email comments must be received on or before January 10, 2020.

ADDRESSES: The applications and related documents are available for review by selecting “Records Open for Public Comment” from the “Features” box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting the applicable File No. from the list of available applications.

These documents are also available 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.

Written comments on these applications should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to NMFS.Pr1Comments@noaa.gov. Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on the application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Malcolm Mohead (for File Nos. 22671–01 and 23096) or Erin Markin (for File No. 23200), (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permits and permit modification are requested under the authority of 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).

File No. 22671–01: Permit No. 22671 was issued on March 12, 2019 (83 FR 61375), authorizing the U.S. Geological Survey (USGS), Conte Anadromous Fish Research Laboratory, 1 Migratory Way, Turners Falls, MA 01376 (Responsible Party: Adria Elskus), to take shortnose sturgeon in the Connecticut River. Researchers are currently permitted to capture adult, sub-adult and juvenile shortnose sturgeon using gill nets or trawls (*i.e.*, trawling is conducted between Turner Falls Dam and Holyoke Dam), measure, weigh, tag, tissue sample, determine gender via boroscopy, photograph, and prophylactically treat prior to release. A subset of sturgeon may be anesthetized and implanted with acoustic tags (internal or external) for tracking. Lethal sampling of early life stages (eggs and larvae) may occur using D-nets. The Permit Holder is also authorized to conduct scientific research and enhancement activities on captive, non-releasable shortnose sturgeon.

The permit holder requests additional authorization for blood sampling to evaluate stress levels experienced by the upstream-migrant shortnose sturgeon in upstream passage through the Holyoke fish elevator. Blood samples from treatment animals would be collected at the height of the fish passage elevator and also from control animals below the dam prior to entering the lift. Additionally, the permit holder requests trawling gear to be authorized for capturing shortnose sturgeon in the Connecticut River between Turner Falls Dam (MA) and Bellows Falls Dam (VT). The permit would expire on March 31, 2029.

File No. 23096: The University of Georgia, Warnell School of Forestry and Natural Resources, 180 E Green Street, Athens, GA 30602 (Responsible Party: Dale Greene) requests a permit to conduct scientific research on Atlantic and shortnose sturgeon to determine the presence, status, health, population dynamics, and movements of Atlantic and shortnose sturgeon in the coastal river basins and estuaries of Georgia and Northeast Florida (Savannah, Ogeechee, Altamaha, Satilla, and St. Marys (GA) and St. Johns/Nassau (FL)). Atlantic and shortnose sturgeon would be captured using gill nets and/or trammel nets. Juvenile, sub-adult, and adult sturgeon would be PIT tagged, tissue sampled (fin clip), measured, weighed, and photographed. A subset of individual animals may be anesthetized, internally or externally acoustically tagged, biologically sampled (fin ray, blood, gonads), and undergo endoscopy to

determine sex. Lethal sampling of sturgeon eggs and larvae using artificial substrates would occur to verify spawning incidence. Tissue samples would be exported to Canada for DNA virus analysis. Incidental mortality of up to one adult/sub-adult and one juvenile Atlantic sturgeon may occur annually in the Savannah, Ogeechee, Altamaha, and Satilla Rivers; and up to one adult/sub-adult and one juvenile shortnose sturgeon may occur annually in the Savannah, Ogeechee, and Altamaha Rivers. The permit would be valid for up to 10 years from the date of issuance.

File No. 23200: The University of North Carolina, Wilmington, 601 South College Road, Wilmington, NC 28403 (Responsible Party: Frederick Scharf), requests a permit to conduct scientific research on adult, sub-adult, and juvenile Atlantic and shortnose sturgeon to determine their abundance, distribution, habitat use, and migration dynamics in the coastal rivers and estuaries of North Carolina basins (Cape Fear, Neuse, Tar/Pamlico, Roanoke/Chowan). Atlantic and shortnose sturgeon would be captured using gill nets, trammel nets, or trawls, measured, weighed, tagged (PIT, Floy), biologically sampled (tissue), and photographed/videoed. A subset of Atlantic sturgeon would be anesthetized and receive an internal acoustic tag. The permit would be valid for up to 5 years from the date of issuance.

Dated: December 6, 2019.

Amy Sloan,

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

[FR Doc. 2019–26666 Filed 12–10–19; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XW016]

Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; Trawl Rationalization Program; 2020 Cost Recovery

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

ACTION: Notice, 2020 cost recovery fee percentages and Mothership Co-op (MS) Program pricing.

SUMMARY: This action provides participants in the Pacific Coast

Groundfish Trawl Rationalization Program with the 2020 fee percentages and MS pricing needed to calculate the required payments for the cost recovery fees due in 2020. For calendar year 2020, NMFS announces the following fee percentages by sector specific program: 3.00 percent for the Shorebased Individual Fishing Quota (IFQ) Program; 0.29 percent for the MS Co-op Program; and 0.08 percent for the Catcher/Processor Co-op (CP) Program. For 2020, the MS pricing to be used as a proxy by the CP Co-op Program is: \$0.08/lb for Pacific whiting.

DATES: Applicable January 1, 2020.

FOR FURTHER INFORMATION CONTACT:

Christopher Biegel, Cost Recovery Program Coordinator, (503) 231-6291, fax (503) 872-2737, email Christopher.Biegel@NOAA.gov.

SUPPLEMENTARY INFORMATION: The Magnuson-Stevens Fishery Conservation and Management Act (MSA) requires NMFS to collect fees to recover the costs directly related to the management, data collection and analysis, and enforcement directly related to and in support of a limited access privilege program (LAPP) (16 U.S.C. 1854(d)(2)), also called "cost recovery." The Pacific Coast Groundfish Trawl Rationalization Program is a LAPP, implemented in 2011, and consists of three sector-specific programs: The Shorebased IFQ Program, the MS Co-op Program, and the CP Co-op Program. In accordance with the MSA, and based on a recommended structure and methodology developed in coordination with the Pacific Fishery Management Council (Council), NMFS began collecting mandatory fees of up to three percent of the ex-vessel value of groundfish from each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program) in 2014. NMFS collects the fees to recover the incremental costs of management, data collection and analysis, and enforcement of the Groundfish Trawl Rationalization Program. Additional background can be found in the cost recovery proposed and final rules, 78 FR 7371 (February 1, 2013) and 78 FR 75268 (December 11, 2013),

respectively. The details of cost recovery for the Groundfish Trawl Rationalization Program are in regulation at 50 CFR 660.115 (Trawl fishery-cost recovery program), § 660.140 (Shorebased IFQ Program), § 660.150 (MS Co-op Program), and § 660.160 (CP Co-op Program).

By December 31 of each year, NMFS must announce the next year's fee percentages and the applicable MS pricing for the CP Co-op Program. NMFS calculated the 2020 fee percentages by sector using the best available information. For 2020, the fee percentages by program, taking into account the adjusted direct program costs (DPCs), are:

- 3.00 percent for the Shorebased IFQ Program,
- 0.29 percent for the MS Co-op Program, and
- 0.08 percent for the CP Co-op Program.

To calculate the fee percentages, NMFS used the formula specified in regulation at § 660.115(b)(1), where the fee percentage by sector equals the lower of three percent or DPC for that sector divided by total ex-vessel value (V) for that sector multiplied by 100 (Fee percentage = the lower of 3 percent or (DPC/V) × 100).

"DPC," as defined in the regulations at § 660.115(b)(1)(i), are the actual incremental costs for the previous fiscal year directly related to the management, data collection and analysis, and enforcement of each program (Shorebased IFQ Program, MS Co-op Program, and CP Co-op Program). Actual incremental costs means those net costs that would not have been incurred but for the implementation of the Groundfish Trawl Rationalization Program, including both increased costs for new requirements of the program and reduced costs resulting from any program efficiencies.

"V", as specified at § 660.115(b)(1)(ii), is the total ex-vessel value, as defined at § 660.111, for each sector from the previous calendar year. The regulations define ex-vessel value slightly differently for each sector, thus NMFS uses slightly different methods to calculate "V" for each sector. For the

Shorebased IFQ Program, NMFS used the ex-vessel value for calendar year 2018 as reported in Pacific Fisheries Information Network (PacFIN) from shorebased IFQ electronic fish tickets as this was the most recent complete set of data. For the MS Co-op Program and the CP Co-op Program, NMFS uses the average price of Pacific whiting as reported in PacFIN from the shorebased IFQ sector in 2018 and the retained catch estimates (weight) from the observer data, as reported in the North Pacific Observer Program database. NMFS does not collect pricing data for these two sectors so it uses the shorebased IFQ sector data as a proxy.

Redetermination of Past DPCs and Adjustment of DPCs

On August 10, 2016, the U.S. Court of Appeals for the Ninth Circuit issued its opinion in *Glacier Fish Co. LLC v. Pritzker*, 832 F.3d 1113 (9th Cir. 2016), a case involving a challenge to NMFS' authority to collect cost recovery fees from members of the CP Co-op Program and the reasonableness of NMFS' calculation of the CP Co-op Program's 2014 fee percentage. In response to the court decision, NMFS re-evaluated and modified the methodology used to determine the CP Co-op Program's DPC for the 2014 fee calculation. NMFS elected to apply a similar revised methodology for all programs for 2014–2016 to redetermine the DPC for those years and to continue to use the revised methodology for all programs going forward, including the 2017–2020 fee calculations.

The redetermination resulted in overpayments of the cost recovery fee by the CP and MS Co-op Programs. NMFS has continued to adjust the fees for these two sectors in subsequent years to account for this overpayment, as specified at § 660.115(b)(1)(i). This adjustment is reflected in the table below.

Based on the estimated fees received in 2019 and adjustments for overpayments by the CP and MS Co-op Programs, the adjusted DPCs for 2020 are:

	Total by sector	2018 Fee adjustment	Final sector totals
IFQ	\$1,807,568.15	\$0.00	\$1,807,568.15
MS	107,161.38	– 73,928.46	33,232.92
CP	85,435.73	– 69,385.25	16,050.48

The fee calculations using the adjusted 2019 DPCs are described below.

IFQ Program:

- 3.00 percent = the lower of 3 percent or (\$1,807,568.15/\$54,795,365.00) × 100.

MS Co-op Program:

• 0.29 percent = the lower of 3 percent or (\$33,232.92/\$11,562,542.83) × 100.

CP Co-op Program:

• 0.08 percent = the lower of 3 percent or (\$16,050.48/\$20,307,972.13) × 100.

MS pricing is the average price per pound that the CP Co-op Program will use to determine their fee amount due (MS pricing multiplied by the value of the Pacific whiting harvested by the vessel registered to a CP-endorsed limited entry trawl permit, multiplied by the CP fee percentage, equals the fee amount due). MS pricing is based on the average price per pound of Pacific whiting as reported in PacFIN from the shorebased IFQ sector. In other words, data from the IFQ fishery was used as a proxy for the MS average price per pound to determine the MS pricing used in the calculation for the CP Co-op Program's fee amount due. NMFS has calculated the 2020 MS pricing to be used as a proxy by the CP Co-op Program as: \$0.08/lb for Pacific whiting.

Cost recovery fees are submitted to NMFS by fish buyers via *Pay.gov* (<https://www.pay.gov/paygov/>). Fees are only accepted in *Pay.gov* by credit/debit card or bank transfers. Cash or checks cannot be accepted. Fish buyers registered with *Pay.gov* can login in the upper left-hand corner of the screen. Fish buyers not registered with *Pay.gov* can go to the cost recovery forms directly from the website below. The links to the *Pay.gov* forms for each

program (IFQ, MS, or CP) are listed below:

IFQ: <https://www.pay.gov/public/form/start/58062865>

MS: <https://www.pay.gov/public/form/start/58378422>

CP: <https://www.pay.gov/public/form/start/58102817>

As stated in the preamble to the cost recovery proposed and final rules, in the spring of each year, NMFS will release an annual report documenting the details and data used for the above calculations. The report includes information such as the fee percentage calculation, program costs, and ex-vessel value by sector. Annual reports are available at: http://www.westcoast.fisheries.noaa.gov/fisheries/groundfish_catch_shares/rules_regulations/costrecovery.html.

Authority: 16 U.S.C. 1801 *et seq.*, 16 U.S.C. 773 *et seq.*, and 16 U.S.C. 7001 *et seq.*

Dated: December 5, 2019.

Jennifer M. Wallace,

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

[FR Doc. 2019-26618 Filed 12-10-19; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine Mammals and Endangered Species

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

ACTION: Notice; issuance of permits and permit modifications.

SUMMARY: Notice is hereby given that permits or permit amendments have been issued to the following entities under the Marine Mammal Protection Act (MMPA) and the Endangered Species Act (ESA), as applicable.

ADDRESSES: The permits 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:

Amy Hapeman (Permit Nos. 22835 and 23095), Jennifer Skidmore (Permit Nos. 20610-02, 22435, and 23092), and Carrie Hubard (Permit No. 23043); at (301) 427-8401.

SUPPLEMENTARY INFORMATION: Notices were published in the **Federal Register** on the dates listed below that requests for a permit or permit amendment had been submitted by the below-named applicants. To locate the **Federal Register** notice that announced our receipt of the application and a complete description of the research, go to www.federalregister.gov and search on the permit number provided in the table below.

Permit No.	RIN	Applicant	Previous Federal Register notice	Permit or amendment issuance date
20610-02	0648-XF801	David Portnoy, Ph.D., Texas A&M University, Corpus Christi, TX 78412.	84 FR 50018; September 24, 2019.	November 15, 2019.
22435	0648-XR017	Northwest Fisheries Science Center, Marine Forensic Laboratory (Responsible Party: Kevin Werner, Ph.D.), 2725 Montlake Blvd East, Seattle, WA 98112.	84 FR 36054; July 26, 2019.	November 15, 2019.
22835	0648-XR003	Scripps Institute of Oceanography (Responsible Party: John Hildebrand, Ph.D.), University of California San Diego, 9500 Gilman Drive, La Jolla, CA 92093.	84 FR 31846; July 3, 2019.	November 1, 2019.
23043	0648-XR051	Devon Massyn, Natural History Unit, 2118 Manhattan Beach Blvd, Unit B, Redondo Beach, CA 90278.	84 FR 52073; October 1, 2019.	November 25, 2019.
23092	0648-PR-A004	C. Scott Baker, Ph.D., Oregon State University, Marine Mammal Institute, Hatfield Marine Science Center, 2030 SE Marine Science Drive, Newport, OR 97365.	84 FR 49098; September 18, 2019.	November 5, 2019.
23095	0648-XR033	Ari Friedlaender, Ph.D., University of California at Santa Cruz, 115 McAllister Way, Santa Cruz, CA 95060.	84 FR 39811; August 12, 2019.	November 13, 2019.

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 activities proposed are categorically excluded from the requirement to

prepare an environmental assessment or environmental impact statement.

As required by the ESA, as applicable, issuance of these permit was based on