

marine mammal monitoring, or 60 days prior to the issuance of any subsequent IHA for projects at PMRF, whichever comes first. A final report shall be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS. This report must contain the informational elements described in the Monitoring Plan, at minimum (see [www.nmfs.noaa.gov/pr/permits/incidental/construction.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/construction.htm)), and shall also include:

1. Date and time of each LRS WSEP mission;
2. A complete description of the pre-exercise and post-exercise activities related to mitigating and monitoring the effects of LRS WSEP missions on marine mammal populations; and
3. Results of the monitoring program, including numbers by species/stock of any marine mammals noted injured or killed as a result of the LRS WSEP mission and number of marine mammals (by species if possible) that may have been harassed due to presence within the zone of influence.

The draft report will be subject to review and comment by the National Marine Fisheries Service. Any recommendations made by the National Marine Fisheries Service must be addressed in the final report prior to acceptance by the National Marine Fisheries Service. The draft report will be considered the final report for this activity under this Authorization if the National Marine Fisheries Service has not provided comments and recommendations within 90 days of receipt of the draft report.

(b) Reporting injured or dead marine mammals:

- i. In the unanticipated event that the specified activity clearly causes the take of a marine mammal in a manner prohibited by this IHA, such as an injury for species not authorized (Level A harassment), serious injury, or mortality, 86 FWS shall immediately cease the specified activities and report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS. The report must include the following information:
  - A. Time and date of the incident;
  - B. Description of the incident;
  - C. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, and visibility);
  - D. Description of all marine mammal observations in the 24 hours preceding the incident;
  - E. Species identification or description of the animal(s) involved;
  - F. Fate of the animal(s); and
  - G. Photographs or video footage of the animal(s).

Activities shall not resume until NMFS is able to review the circumstances of the prohibited take. NMFS will work with 86 FWS to determine what measures are necessary to minimize the likelihood of further prohibited take and ensure MMPA compliance. 86 FWS may not resume their activities until notified by NMFS.

ii. In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the cause of the injury or death is unknown and the death is relatively recent (*e.g.*, in less than a moderate state of decomposition), 86 FWS shall immediately report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS.

The report must include the same information identified in 6(b)(i) of this IHA. Activities may continue while NMFS reviews the circumstances of the incident. NMFS will work with 86 FWS to determine whether additional mitigation measures or modifications to the activities are appropriate.

iii. In the event that 86 FWS discovers an injured or dead marine mammal, and the lead observer determines that the injury or death is not associated with or related to the activities authorized in the IHA (*e.g.*, previously wounded animal, carcass with moderate to advanced decomposition, scavenger damage), 86 FWS shall report the incident to the Office of Protected Resources, NMFS, and the Pacific Islands Regional Stranding Coordinator, NMFS, within 24 hours of the discovery. 86 FWS shall provide photographs or video footage or other documentation of the stranded animal sighting to NMFS.

#### 7. Additional Conditions

- The holder of this Authorization must inform the Director, Office of Protected Resources, National Marine Fisheries Service, (301-427-8400) or designee (301-427-8401) prior to the initiation of any changes to the monitoring plan for a specified mission activity.
- A copy of this Authorization must be in the possession of the safety officer on duty each day that long range strike missions are conducted.
- This Authorization may be modified, suspended or withdrawn if the holder fails to abide by the conditions prescribed herein, or if NMFS determines the authorized taking is having more than a negligible impact on the species or stock of affected marine mammals.

#### Request for Public Comments

We request comment on our analysis, the draft authorization, and any other aspect of this **Federal Register** notice of proposed Authorization. Please include with your comments any supporting data or literature citations to help inform our final decision on 86 FWS's renewal request for an MMPA authorization.

Dated: July 1, 2016.

**Donna S. Wieting,**

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

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

**RIN 0648-XE461**

##### Marine Mammals; Pinniped Removal Authority; Approval of Application

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

**ACTION:** Notice of availability.

**SUMMARY:** NMFS announces approval of an application for a Letter of Authorization (LOA) from the states of Oregon, Washington, and Idaho for lethal removal of individually identifiable predatory California sea lions (*Zalophus californianus*) in the vicinity of Bonneville Dam to minimize pinniped predation on Pacific salmon and steelhead (*Oncorhynchus spp.*) listed as threatened or endangered under the Endangered Species Act (ESA) in the Columbia River in Washington and Oregon. This authorization is pursuant to the Marine Mammal Protection Act (MMPA). NMFS also announces availability of decision documents and other information relied upon in making this determination.

**ADDRESSES:** Additional information about our determination may be obtained by visiting the NMFS West Coast Region's Web site: <http://www.westcoast.fisheries.noaa.gov>, or by writing to us at: NMFS West Coast Region, Protected Resources Division, 1201 Lloyd Blvd., Suite 1100, Portland, OR 97232.

**FOR FURTHER INFORMATION CONTACT:** Mr. Robert Anderson at the above address, by phone at (503) 231-2226, or by email at [robert.c.anderson@noa.gov](mailto:robert.c.anderson@noa.gov).

**SUPPLEMENTARY INFORMATION:**

## Background

Section 120 of the MMPA (16 U.S.C. 1361, *et seq.*) allows the Secretary of Commerce, acting through the Assistant Administrator for Fisheries, and the West Coast Regional Administrator of NMFS, the discretion to authorize the intentional lethal taking of individually identifiable pinnipeds that are having a significant negative impact on salmonids that are either: (1) Listed under the ESA, (2) approaching a threatened or endangered status, or (3) migrate through the Ballard Locks in Seattle. The authorization applies only to pinnipeds that are not: (1) Listed under the ESA, (2) designated as depleted, or (3) designated a strategic stock.

In December 2006, NMFS received an application from the Idaho Department of Fish and Game, Oregon Department of Fish and Wildlife, and the Washington Department of Fish and Wildlife (collectively referred to as the States) requesting authorization under section 120 of the MMPA to intentionally take, by lethal methods, individually identifiable predatory California sea lions in the Columbia River, which were then having a significant negative impact on the recovery of threatened and endangered Pacific salmon and steelhead. As required under the MMPA, NMFS convened a Pinniped-Fishery Interaction Task Force (Task Force). The role of the Task Force is to recommend to NMFS approval or denial of the States' application along with recommendations of the proposed location, time, and method of such taking, criteria for evaluating the success of the action, and the duration of the intentional lethal taking authority. The Task Force must also suggest non-lethal alternatives, if available and practicable, including a recommended course of action. NMFS partially approved the States' 2006 request, issuing a LOA on March 17, 2008, and on March 24, 2008, NMFS published a notice in the **Federal Register** (73 FR 15483).

Shortly after NMFS issued the LOA, the Humane Society of the United States (HSUS) filed a lawsuit in the U.S. District Court in Oregon, alleging that NMFS' LOA violated section 120 of the MMPA and the National Environmental Policy Act (NEPA). In November 2008, the district court issued an order upholding NMFS' approval of the lethal removal program and its evaluation of impacts under NEPA. Plaintiffs appealed to the Ninth Circuit Court of Appeals which declined to halt the removal program while the appeal was

pending. Subsequently, the Ninth Circuit vacated and remanded the LOA to NMFS in November 2010 (*Humane Society of the United States, et al. v. Locke*, 626 F.3d 1040 (9th Cir. 2010)). In response to the Ninth Circuit Court's 2010 decision, the States submitted a new request for lethal removal authorization on December 7, 2010. NMFS considered the request and new information available since its prior authorization, including the Task Force's recommendations. NMFS again authorized lethal take, under similar conditions to the 2008 authorization (albeit with modifications), issuing a new LOA on May 13, 2011. HSUS again filed suit this time in federal court for the District of Columbia, alleging, among other things, that NMFS had not followed procedural requirements under MMPA section 120 prior to issuing the new authorization (including public notice and comment on the States' application). In coordination with the States, NMFS revoked the May 13, 2011, authorization on July 22, 2011, and HSUS voluntarily withdrew their lawsuit.

On August 18, 2011, the States submitted a new request for lethal removal of California sea lions at Bonneville Dam under substantially the same conditions as the prior authorizations. On March 15, 2012, NMFS issued a LOA to the States. In renewed litigation by HSUS this LOA was upheld in district court on February 15, 2013, and later affirmed by the Ninth Circuit Court of Appeals (*Humane Society of the US v. Bryson*, 924 F.Supp.2d 1228 (D. Or., 2013); *HSUS v. Pritzker*, No. 13-35195 (9th Cir., 9/27/13)). The 2012 LOA expires on June 30, 2016.

On January 27, 2016, NMFS received an application from the States to extend the 2012 LOA through June 30, 2021. The States are not requesting any changes or modifications to the terms and conditions of the 2012 LOA. Pursuant to the MMPA, NMFS determined that the application contains sufficient information to warrant convening the Task Force. On March 28, 2016, NMFS published a notice in the **Federal Register** (81 FR 17141), announcing receipt of the States' application, and soliciting public comments on the application and any additional information that NMFS should consider in making its decision. On May 31, 2016, NMFS reconvened the Task Force at a meeting that was open to the public, during which it reviewed the States' application, public comments on the application, and other information related to sea lion predation on salmonids at Bonneville Dam. The

Task Force completed and submitted its report to NMFS on June 22, 2016. Thirteen of the fourteen members recommended that NMFS approve the States' extension request, with one member dissenting. All decision documents, including a copy of the new LOA, are available on NMFS's West Coast Region Web page (see **ADDRESSES**).

## Findings

As required under section 7(a)(2) under the ESA, NMFS completed formal consultation, and in accordance with NEPA, NMFS completed a supplemental environmental assessment (EA) to the 2008 EA with a finding of no significant impact. In considering a state's application to lethally remove pinnipeds, NMFS is also required, pursuant to section 120(b)(1) of the MMPA, to determine that individually identifiable pinnipeds are having a significant negative impact on the decline or recovery of at-risk salmonid fishery stocks. Based on these requirements, considerations, and analyses, NMFS has determined that the requirements of section 120 of the MMPA have been met and it is therefore reasonable to issue a new LOA to the States for the lethal removal of individually identifiable predatory California sea lions through 2021.

Dated: June 30, 2016.

**Nicole R. LeBoeuf,**

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

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## DEPARTMENT OF DEFENSE

### Department of the Army

[Docket ID: USA-2014-0044]

### Submission for OMB Review; Comment Request

**ACTION:** Notice.

**SUMMARY:** The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

**DATES:** Consideration will be given to all comments received by August 8, 2016.

**FOR FURTHER INFORMATION CONTACT:** Fred Licari, 571-372-0493.

### SUPPLEMENTARY INFORMATION:

*Title, Associated Form and OMB Number:* Exchange Accounts Receivable Files; Exchange Form 6450-002 "Military Star Card Application, Exchange Form 6450-005 "Exchange