

Mexico stock biology with the combined Gulf of Mexico and Atlantic catch data and indices of abundance. The sensitivity run using the Atlantic biology for the single stock found the stock was overfished and overfishing was occurring ( $F_{2011}/F_{MSY} = 1.09$ ;  $SSF_{2011}/SSF_{MSY} = 0.73$ ). The sensitivity run use the Gulf of Mexico biology for the single stock found the stock was not overfished and no overfishing was occurring ( $F_{2011}/F_{MSY} = 0.45$ ;  $SSF_{2011}/SSF_{MSY} = 1.48$ ).

The assessment found that, when assessed as single stock, the status of bonnethead sharks was not overfished and no overfishing was occurring. The scientists stressed that there is strong evidence for two separate stocks and that using the biology corresponding to the Atlantic for the assessment for a single stock led to a different conclusion on stock status (i.e., the stock was overfished and overfishing was occurring). None of the peer reviewers agreed with the determination of bonnethead sharks for the species as a single stock. The reviewers all felt that the species should have been split into two different stocks and analyzed in a manner that is similar to what was done with Atlantic sharpnose sharks. As such, based on these results and the peer reviews, NMFS decided to split the bonnethead shark species into two stocks—an Atlantic stock and a Gulf of Mexico stock—and determined that the status of both stocks is unknown.

In the upcoming Amendment 6 to the 2006 Consolidated Highly Migratory Species Fishery Management Plan, NMFS will be considering implementing total allowable catches and commercial quotas for the non-blacknose SCS complexes in the Atlantic and Gulf of Mexico regions, which includes the sharpnose and bonnethead stocks, based on the results of the SEDAR 34 assessment. Pending such an Amendment, the separate Atlantic and Gulf of Mexico sharpnose and bonnethead shark stocks remain within the overall non-blacknose SCS management complex, with the quotas for the complex designated for this fishing year. Current regulations specify that “[i]nseason and/or annual quota transfers of regional quotas between regions may be conducted only for species or management groups where the species are the same between regions and the quota is split between regions for management purposes and not as a result of a stock assessment.” Although the non-blacknose SCS quota currently is split between regions for management purposes, transferring quota between the two regions would be inconsistent with accomplishing the

objectives of the fishery management plan now that sharpnose and bonnethead have been split into separate stocks as a result of the stock assessment. Such a transfer would, essentially, disregard the scientific bases for splitting sharpnose and bonnethead sharks into two stocks, and there is no practicable way to analyze the impacts of and establish separate quotas for these stocks or the complex as a whole absent the amendment process. The next assessments for these two species are not yet scheduled but will include benchmark assessments for each stock.

Dated: September 2, 2014.

**Emily H. Menashes,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XD462**

#### **Takes of Marine Mammals Incidental to Specified Activities; U.S. Navy Training Activities in the Gulf of Alaska Temporary Maritime Activities Area**

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

**ACTION:** Notice; receipt of application for letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to the training activities conducted in the Gulf of Alaska Temporary Maritime Activities Area (GOA TMAA) from April 2016 through April 2021. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is announcing our receipt of the Navy's request for the development and implementation of regulations governing the incidental taking of marine mammals and inviting information, suggestions, and comments on the Navy's application and request.

**DATES:** Comments and information must be received no later than October 6, 2014.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–

3225. The mailbox address for providing email comments is [ITP.Fiorentino@noaa.gov](mailto:ITP.Fiorentino@noaa.gov). NMFS is not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

**Instructions:** All comments received are a part of the public record and will generally be posted to <http://www.nmfs.noaa.gov/pr/permits/incidental.htm> without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit Confidential Business Information or otherwise sensitive or protected information.

A copy of the Navy's application may be obtained by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. The Navy's Draft Supplemental Environmental Impact Statement (DSEIS) for the GOA TMAA was made available to the public on August 23, 2014. A 60-day public comment period is open through October 22, 2014. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** John Fiorentino, Office of Protected Resources, NMFS, (301) 427–8477.

#### **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 United States citizens who engage in a specified activity (other than commercial fishing) within a specific 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.

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.”

With respect to military readiness activities, the MMPA defines “harassment” as: “(i) any act that injures or has the significant potential to injure a 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 July 28, 2014, NMFS received an application from the Navy requesting a Letter of Authorization (LOA) for the take of 19 species of marine mammals incidental to Navy training activities to be conducted in the Gulf of Alaska Temporary Maritime Activities Area (GOA TMAA) over 5 years. The Navy requests a 5-year LOA for training activities to be conducted from 2016 through 2021. The GOA TMAA is a polygon roughly the shape of a 300 nm by 150 nm rectangle oriented northwest to southeast in the long direction (see Figure 1–1 of the Navy’s application for a map of the GOA TMAA). The activities conducted within the GOA TMAA are classified as military readiness activities. The Navy states that these activities may expose some of the marine mammals present within the GOA TMAA to sound from underwater acoustic sources and explosives. The Navy requests authorization to take 19 marine mammal species by Level B (behavioral) harassment; one of those marine mammal species (Dall’s porpoise) may be taken by Level A (injury) harassment.

### Description of the Specified Activity

In the application submitted to NMFS, the Navy requests authorization to take marine mammals incidental to conducting anti-surface warfare and anti-submarine warfare training activities. Detailed descriptions of these activities, including duration, location, and equipment involved, are provided in the Navy’s application. The Navy has also prepared a Draft Supplemental Environmental Impact Statement (DSEIS) analyzing the effects on the human environment of implementing their preferred alternative (among others).

### Information Solicited

Interested persons may submit information, suggestions, and comments concerning the Navy’s request (see **ADDRESSES**). All input related to the Navy’s GOA TMAA request and NMFS’ role in governing the incidental taking of marine mammals will be considered by NMFS when developing, if appropriate, the most effective regulations governing the issuance of a Letter of Authorization.

Dated: August 29, 2014.

**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–XD445**

### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to a Pier Replacement Project

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

**ACTION:** Notice; proposed incidental harassment authorization; request for comments.

**SUMMARY:** NMFS has received a request from the U.S. Navy (Navy) for authorization to take marine mammals incidental to construction activities as part of a pier replacement project. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an incidental harassment authorization (IHA) to the Navy to incidentally take marine mammals, by Level B Harassment only, during the specified activity.

**DATES:** Comments and information must be received no later than October 6, 2014.

**ADDRESSES:** Comments on the application should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service. Physical comments should be sent to 1315 East-West Highway, Silver Spring, MD 20910 and electronic comments should be sent to [ITP.Laws@noaa.gov](mailto:ITP.Laws@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or

received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted to the Internet at [www.nmfs.noaa.gov/pr/permits/incidental.htm](http://www.nmfs.noaa.gov/pr/permits/incidental.htm) without change. All personal identifying information (e.g., name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427–8401.

### SUPPLEMENTARY INFORMATION:

#### Availability

An electronic copy of the Navy’s application and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: [www.nmfs.noaa.gov/pr/permits/incidental.htm](http://www.nmfs.noaa.gov/pr/permits/incidental.htm). In case of problems accessing these documents, please call the contact listed above.

### National Environmental Policy Act (NEPA)

The Navy prepared an Environmental Assessment (EA; 2013) for its pier replacement project. We subsequently adopted the EA and signed our own Finding of No Significant Impact (FONSI) prior to issuing the first IHA for this project, in accordance with NEPA and the regulations published by the Council on Environmental Quality. Information in the Navy’s application, the Navy’s EA, and this notice collectively provide the environmental information related to proposed issuance of this IHA for public review and comment. All documents are available at the aforementioned Web site. We will review all comments submitted in response to this notice as we complete the NEPA process, including a decision of whether to reaffirm the existing FONSI, prior to a final decision on the incidental take authorization request.

### 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