

By using this electronic reporting methodology, the Cooperative would maintain a real-time, internet-based tracking system to ensure accounting of each fish landed. The data would be collected on remote servers and sent to NMFS. The Cooperative would maintain an electronic account with NMFS, specifying the numbers of red snapper and gag grouper that could be landed. As fish are landed, they would be deducted from the headboat's vessel account. Finally, headboat captains would continue submitting completed NMFS SRHS logbook data for each trip in compliance with 50 CFR 622.5.

### Socio-Economic Study

The pilot project, if approved, offers an opportunity to evaluate the impacts of an alternative management system on the economic performance of the Gulf reef fish headboat industry. It also provides a valuable opportunity to customize data collection to maximize usefulness of the data for answering important management questions. Academic researchers, in collaboration with the Cooperative, would conduct a socio-economic study of the anticipated effects of the change in headboat cooperative management using currently available data sources. Simultaneously, the academic researchers and the Cooperative would develop additional survey instruments to gather economic data for a post-EFP analysis of the effects of the pilot project on Cooperative vessels after its first and second years. Data collection would emphasize post-EFP impacts of the pilot project. A partial list of impacts to assess in the study includes:

1. How has the pilot project changed the temporal and spatial distributions of fishing by Cooperative members?
2. How has the number of anglers/customers changed as a result of Cooperative members being able to better target their trips to the seasonality of demand specific to red snapper and gag?
3. Do headboat owners utilize increased flexibility to provide a more differentiated recreational product to customers?
4. How has the pilot project affected the cost and net revenue associated with a representative trip?

Data collection would include trip-level catch and effort characteristics (e.g., retained and discarded catch, spatial location, and number of customers), trip and season-level variable revenues and costs (e.g., trip pricing, gear, bait, ice, fuel, and maintenance expenditures), and labor employment and compensation information. Many trip-level data would

be collected using the iSnapper application, whereas seasonal data would be collected through supplementary survey instruments.

The public and the Council questioned if the establishment of an allocation-based system for the Cooperative could be considered the establishment of an individual fishing quota (IFQ) program, which would require approval via a referendum. Section 303A(c)(6)(D), 16 U.S.C. 1853a(c)(6)(D), of the Magnuson-Stevens Act, requires a referendum to approve or implement a fishery management plan or plan amendment that creates an IFQ program for any species in the Gulf. Although the allocation-based system requested by the Cooperative might reasonably be considered to create such an IFQ program, the mere issuance of an EFP to test the program on a limited basis does not trigger the referendum requirement. The statutory language is explicit that the referendum is only required to approve a fishery management plan or plan amendment that would implement such a program. An EFP is neither a fishery management plan nor a plan amendment, and does not implement any new requirements for all or a portion of recreational participants. If issued, the EFP would only establish specific requirements for the members of the voluntary Cooperative who have requested the EFP. Therefore, NMFS has determined that no referendum is required.

Currently, the recreational red snapper fishing season begins on June 1 of each year, and is closed when NMFS projects the recreational quota will be landed. As noted above, the recreational seasons have become shorter each year, impacting the ability of headboats to operate in an efficient and economically viable manner. If this EFP is authorized, identified Gulf reef fish headboats in the Cooperative would be able to use their allocation to fish during the open recreational season, but also would be able to select days outside the designated season where they could use their red snapper allocation to meet specific customer demands.

Nevertheless, in accordance with section 407(d)(1) (16 U.S.C. 1883(d)) of the Magnuson-Stevens Act, when NMFS determines the recreational red snapper fishing quota is reached, NMFS is required to prohibit the retention of red snapper caught during the rest of the fishing year. Should NMFS determine that the recreational red snapper quota is reached prior to the end of the 2014 or 2015 fishing year, including consideration of fish already harvested by the Cooperative, headboats participating under the EFP would have

to cease retaining red snapper, even if the Cooperative still has allocation of red snapper available.

The Council reviewed the Cooperative's initial application at its April 2012 meeting, and recommended that NMFS approve the application. NMFS finds this application does warrant further consideration. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition of conducting research within marine protected areas, marine sanctuaries, or special management zones, without additional authorization. A report on the research would be due at the end of the collection period, to be submitted to NMFS and reviewed by the Council.

A final decision on issuance of the EFP will depend on NMFS's review of public comments received on the application, the Council's recommendation, consultations with the affected states, and the U.S. Coast Guard, as well as a determination that it is consistent with all applicable laws.

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

Dated: March 28, 2013.

**Kara Meckley,**

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

[FR Doc. 2013-07630 Filed 4-1-13; 8:45 am]

**BILLING CODE 3510-22-P**

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC594**

### New England Fishery Management Council; Public Meeting; Correction

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

**ACTION:** Notice of correction of a public meeting.

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**SUMMARY:** The New England Fishery Management Council's (Council) Groundfish Oversight Committee will meet to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

**DATES:** The two-day meeting will be held on Tuesday, April 16, 2013 beginning at 12 p.m. and Wednesday, April 17, 2013 beginning at 8:30 a.m.

**ADDRESSES:** The meeting will be held at the Holiday Inn, 31 Hampshire Street, Mansfield, MA 02048; telephone: (508) 339-2200; fax: (508) 339-1040.

*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 original notice published in the **Federal Register** on March 28, 2013 (78 FR 18963). The original notice in the **SUMMARY** stated that the meeting was for the Recreational Advisory Panel. This notice corrects it to read Groundfish Oversight Committee. All other previously-published information remains unchanged.

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

Dated: March 28, 2013.

**Tracey L. Thompson,**

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

[FR Doc. 2013-07623 Filed 4-1-13; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC560

#### Takes of Marine Mammals Incidental to Specified Activities; Office of Naval Research Acoustic Technology Experiments in the Western North Pacific Ocean

**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 an application from the U.S. Navy's Office of Naval Research (ONR) for an Incidental Harassment Authorization (IHA) to take marine mammals, by harassment, incidental to conducting Acoustic Technology Experiments (ATE) in the western North Pacific Ocean. The Navy's activities are considered military readiness activities pursuant to the Marine Mammal Protection Act (MMPA), as amended by the National Defense Authorization Act for Fiscal Year 2004 (NDAA). Pursuant to the MMPA, NMFS is requesting comments on its proposal to issue an IHA to ONR to incidentally harass, by Level B harassment only, 34 species of marine mammals during the specified activity.

**DATES:** Comments and information must be received no later than May 2, 2013.

**ADDRESSES:** Comments on the application should be addressed to P. Michael Payne, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910. The mailbox address for providing email comments is [ITP.Magliocca@noaa.gov](mailto:ITP.Magliocca@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.

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#applications> 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.

An electronic copy of the application containing a list of the references used in this document may be obtained by visiting the internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications>. Documents cited in this notice may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Michelle Magliocca, Office of Protected Resources, NMFS, (301) 427-8401.

#### SUPPLEMENTARY INFORMATION:

##### Background

Section 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce to authorize, 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, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An 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."

Section 101(a)(5)(D) of the MMPA established an expedited process by which U.S. citizens can apply for a 1-year authorization to incidentally take small numbers of marine mammals by harassment, provided that there is no potential for serious injury or mortality to result from the activity. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS' review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization.

The NDAA (Pub. L. 108-136) removed the "small numbers" and "specified geographical region" limitations and amended the definition of "harassment" as it applies to a "military readiness activity" to read as follows (section 3(18)(B) of the MMPA): (i) Any act that injures or has the significant potential to injure a marine mammal or 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 December 20, 2012, NMFS received an application from ONR for the taking of marine mammals incidental to ATE in the western North Pacific Ocean. ONR provided additional information on March 7, 2013 and NMFS determined that the application was adequate and complete on March 7, 2013.

ONR proposes to conduct ATE in one of nine provinces comprising the western North Pacific Ocean. The proposed activity would occur for no more than 2 weeks during the spring or summer of 2013. Transmissions from four underwater active acoustic sources are likely to result in the take of marine mammals. Take, by Level B harassment only, of individuals of up to 34 species is anticipated to result from the specified activity.