

**ACTION:** Notice, public meeting.

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) will convene a meeting of its Coastal Pelagic Species Management Team (CPSMT) and the Coastal Pelagic Species Subcommittee of the Scientific and Statistical Committee (SSC). One representative of the Council's Coastal Pelagic Species Advisory Subpanel (CPSAS) will also attend. The purpose is to consider the possibility of using a different temperature index than is currently used, for the purposes of estimating Pacific sardine recruitment. Meeting participants will also discuss and consider an implementation plan for changing the start date of the *Pacific sardine* fishery, from January 1 to July 1.

**DATES:** The meeting will be held May 21–23, 2013.

**ADDRESSES:** *Meeting address:* The meeting will be held in the Large Conference Room of the National Oceanic and Atmospheric Administration's (NOAA) Southwest Fisheries Science Center, at 8901 La Jolla Shores Dr., La Jolla, CA 92037–1508.

*Council Address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220.

**FOR FURTHER INFORMATION CONTACT:** Kerry Griffin, Staff Officer; telephone: (503) 820–2280.

**SUPPLEMENTARY INFORMATION:** The Council considered the issues of a new temperature index and a different fishery start date at its April 2013 meeting, and asked the CPSMT and SSC CPS subcommittee to report back at the June 2013 Council meeting for final action.

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 listed 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 CPSMT's intent to take final action to address the emergency.

#### Special Accommodations

This listening station is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Dale Sweetnam, (858) 546–7170, at least 5 days prior to the meeting date.

Dated: April 30, 2013.

**Tracey L. Thompson,**

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

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**BILLING CODE 3510–22–P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Final Notice of Applicability of Special Use Permit Requirements to Certain Categories of Activities Conducted Within the National Marine Sanctuary System

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA).

**ACTION:** Notice.

**SUMMARY:** In accordance with a requirement of Public Law 106–513 (16 U.S.C. 1441(b)), NOAA hereby gives public notice of the final revised list of categories of activities subject to the special use permit requirements of Section 310 of the National Marine Sanctuaries Act.

**DATES:** This notice is effective May 3, 2013.

**FOR FURTHER INFORMATION CONTACT:** Vicki Wedell, Office of National Marine Sanctuaries, 1305 East West Highway (N/NMS2), Silver Spring, MD 20910, telephone (301) 713–3125, extension 237, email [Vicki.Wedell@noaa.gov](mailto:Vicki.Wedell@noaa.gov).

**SUPPLEMENTARY INFORMATION:** This **Federal Register** document is also accessible via the Internet at: [INSERT GPO ACCESS WEB ADDRESS—<http://www.access.gpo.gov/>]

#### I. Background

Section 310 of the National Marine Sanctuaries Act (NMSA) gives NOAA the authority to issue special use permits for the conduct of specific activities in national marine sanctuaries to establish conditions of access to and use of any sanctuary resource or to promote public use and understanding of a sanctuary resource (16 U.S.C. 1431 et seq.). In the National Marine Sanctuaries Amendments Act of 2000 (Pub. L. 106–513), Congress added a requirement that prior to requiring a special use permit for any category of activity, NOAA shall give appropriate public notice. On January 15, 2013, NOAA requested public comment on the modification of three of the existing special use permit categories and the addition of two new categories (78 FR 2597). The remaining two special use

permit categories remain unchanged. NOAA did not receive any substantive comments during the 60-day public comment period.

This notice also updates the wording of two of the categories to use the term “submerged lands” rather than “seabed” to be consistent with definitions established in the NMSA and sanctuary regulations. NMSA section 302(3) states that the “marine environment” means those areas of coastal and ocean waters, the Great Lakes and their connecting waters and submerged lands over which the United States exercises jurisdiction, including the exclusive economic zone, consistent with international law.” The notice also clarifies that the requirements apply to the disposal of cremated human remains within or into any national marine sanctuary, as is consistent with sanctuary regulations on discharges.

#### II. Categories of Activities Subject to Special Use Permits

The final list of categories subject to the requirements of special use permits is:

1. The placement and recovery of objects associated with public or private events on non-living substrate of the submerged lands of any national marine sanctuary.
2. The placement and recovery of objects related to commercial filming.
3. The continued presence of commercial submarine cables on or within the submerged lands of any national marine sanctuary.
4. The disposal of cremated human remains within or into any national marine sanctuary.
5. Recreational diving near the USS Monitor.
6. Fireworks displays.
7. The operation of aircraft below the minimum altitude in restricted zones of national marine sanctuaries.

#### III. Classification

Refer to the notice of availability and request for public comment in 78 FR 2597 for a full discussion of the applicability of the National Environmental Policy Act and Paperwork Reduction Act.

##### A. National Environmental Policy Act

NOAA has concluded that this action will not have a significant effect, individually or cumulatively, on the human environment. This action is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement in accordance with Section 6.03c3(i) of NOAA Administrative Order 216–6.

Specifically, this action is a notice of an administrative and legal nature. Furthermore, individual permit actions by the ONMS will be subject to additional case-by-case analysis, as required under NEPA, which will be completed as new permit applications are submitted for specific projects and activities.

#### *B. Paperwork Reduction Act*

Applications for the special use permits discussed in this notice involve a collection-of information requirement subject to the requirements of the PRA. OMB has approved this collection-of-information requirement under OMB control number 0648-0141.

Dated: April 19, 2013.

**Daniel J. Basta,**

*Director, Office of National Marine Sanctuaries.*

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**BILLING CODE 3510-NK-M**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XC498

#### **Takes of Marine Mammals Incidental to Specified Activities; Demolition and Construction Activities of the Children's Pool Lifeguard Station at La Jolla, California**

**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 City of San Diego for an Incidental Harassment Authorization (IHA) to take small numbers of marine mammals, by Level B harassment, incidental to demolition and construction activities of the Children's Pool Lifeguard Station in La Jolla, California. NMFS has reviewed the application, including all supporting documents, and determined that it is adequate and complete. Pursuant to the Marine Mammal Protection Act (MMPA), NMFS is requesting comments on its proposal to issue an IHA to the City of San Diego to incidentally harass, by Level B harassment only, three species of marine mammals during the specified activities.

**DATES:** Comments and information must be received no later than June 3, 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.Goldstein@noaa.gov](mailto:ITP.Goldstein@noaa.gov). Please include 0648-XC498 in the subject line. 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> 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 application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice, including the IHA application, may be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Howard Goldstein or Jolie Harrison, Office of Protected Resources, NMFS, 301-427-8401.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

Sections 101(a)(5)(D) of the MMPA, as amended (16 U.S.C. 1371(a)(5)(D)), directs the Secretary of Commerce (Secretary) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by United States 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.

Authorization for the incidental taking of small numbers of marine mammals 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). The authorization

must set forth the permissible methods of taking, other means of effecting the least practicable adverse impact on the species or stock and its habitat, and requirements pertaining to the mitigation, monitoring and reporting of such takings. 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 citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) of the MMPA establishes a 45-day time limit for NMFS's review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, NMFS must either issue or deny the authorization.

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]. 16 U.S.C. 1362(18).

##### **Summary of Request**

On December 3, 2012, NMFS received an application from the City of San Diego, Engineering and Capital Projects Department, requesting an IHA. A revised IHA application was submitted on April 1, 2013. The requested IHA would authorize the take, by Level B (behavioral) harassment, of small numbers of Pacific harbor seals (*Phoca vitulina richardii*), California sea lions (*Zalophus californianus*), and northern elephant seals (*Mirounga angustirostris*) incidental to demolition and construction activities of the Children's Pool Lifeguard Station at La Jolla, California. The demolition and construction operations are proposed to take place during June to December, 2013 in La Jolla, California. Additional information on the demolition and construction activities at the Children's Pool Lifeguard Station is contained in