

Dated: April 6, 2012.

**William D. Chappell,**

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

[FR Doc. 2012-8774 Filed 4-10-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA898**

#### Endangered Species; File Nos. 13599 and 1614

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

**ACTION:** Notice; issuance of permit modifications.

**SUMMARY:** Notice is hereby given that National Ocean Service Marine Forensic Lab [Responsible Party: Julie Carter], 219 Fort Johnson Road, Charleston, SC 29412 [Permit No. 13599], and the NOAA Fisheries Northeast Region Protected Resources Division [Responsible Party: Mary Colligan], One Blackburn Drive, Gloucester, MA 01930 [Permit No. 1614], have been issued modifications to their scientific research permits.

**ADDRESSES:** The modifications and related documents are available for review upon written request or by appointment in the following offices:

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;

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930-2298; phone (978) 281-9300; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Ave South, St. Petersburg, FL 33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:** Jennifer Skidmore or Colette Cairns, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On December 27, 2011, notice was published in the *Federal Register* (76 FR 80890) that modifications of Permit Nos. 13599 and 1614, had been requested by the above-named organizations. The requested modifications have been granted 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 222-226).

Permit No. 13599, issued December 16, 2008 (73 FR 78724), authorizes the permit holder to receive, import, export, transfer, archive, and conduct analyses of marine mammal and endangered species parts. Permit No. 1614, issued February 28, 2008 (73 FR 11873), authorizes the permit holder to collect, receive and transport 100 dead shortnose sturgeon, or parts thereof, annually. Researchers are also authorized the receipt and transport of up to 350 captive bred, dead shortnose sturgeon annually from any U.S. facility authorized to hold captive sturgeon.

The permit modifications add Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*), an ESA-listed species not included in the previous permits, for the receipt, importation, exportation, and transfer of Atlantic sturgeon parts and carcasses. No live animal takes or incidental harassment of animals is authorized under these permits. The permit holders are authorized for Atlantic sturgeon parts and samples would be used to support law enforcement actions, research studies (primarily genetics), and outreach education. Atlantic sturgeon samples would be obtained from individuals authorized to collect them in the course of scientific research, salvage activities, or taken during other authorized activities.

Issuance of these modifications, as required by the ESA, was based on a finding that such modifications (1) were applied for in good faith, (2) will not operate to the disadvantage of such endangered or threatened species, and (3) are consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 5, 2012.

**Tammy C. Adams,**

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

[FR Doc. 2012-8773 Filed 4-10-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA936**

#### Marine Mammals; File No. 17011

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

**ACTION:** Notice; issuance of permit.

**SUMMARY:** Notice is hereby given that a permit has been issued to NHK Enterprises, Inc., Nature & Science Programs, 5-20 Kamiyama-cho, Ogawa Bldg., Shibuya-ku, Tokyo, Japan to conduct commercial or educational photography.

**ADDRESSES:** The permit and related documents are available for review upon written request or by appointment in the following offices:

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; and Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249.

**FOR FURTHER INFORMATION CONTACT:** Joselyd Garcia-Reyes or Laura Morse, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On January 18, 2012, notice was published in the *Federal Register* (77 FR 2513) that a request for a permit to conduct commercial/educational photography of Eastern North Pacific gray whales (*Eschrichtius robustus*) and killer whales (*Orcinus orca*) had been submitted by the above-named applicant. The requested permit has been issued under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

NHK Enterprises, Inc. will film gray whale and killer whale interactions in the Aleutian Islands from Unimak Pass to Sand Point, Alaska using a 100ft boat, a 21ft aluminum skiff, and a helicopter. Up to 100 gray whales and 300 killer whales may be approached and filmed during the life of the permit. Species that may be incidentally harassed during filming activities include: 60 White-sided dolphins (*Lagenorhynchus obliquidens*), 20 harbor porpoise (*Phocoena phocoena*), 60 harbor seals (*Phoca vitulina*), 40 northern fur seals (*Callorhinus ursinus*), and 40 Dall's porpoises (*Phocoenoides dalli*). Footage would be used to create a film that would document the hunting behavior of transient killer whales and to document the food chain that develops from this predation. The permit will expire on March 31, 2017.

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 activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: April 4, 2012.

**Tammy C. Adams,**

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

[FR Doc. 2012-8610 Filed 4-10-12; 8:45 am]

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA713**

**Endangered Species; File Nos. 16526, 16323, 16436, 16422, 16438, 16431, 16507, 16547, 16375, 16442, 16482, and 16508**

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

**ACTION:** Issuance of permits.

**SUMMARY:** Notice is hereby given that twelve applications have been issued permits to take Atlantic sturgeon (*Acipenser oxyrinchus oxyrinchus*) for purposes of scientific research. See **SUPPLEMENTARY INFORMATION** for additional information regarding permittees.

**ADDRESSES:** The permits and related documents are available for review upon written request or by appointment in the following offices:

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;

Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930; phone (978) 281-9328; fax (978) 281-9394; and

Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727) 824-5312; fax (727) 824-5309.

**FOR FURTHER INFORMATION CONTACT:** Malcolm Mohead or Colette Cairns, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On September 21, 2011, notice was published in the **Federal Register** (76 FR 58469) that 12 requests for scientific research permits to take Atlantic sturgeon had been submitted. The requested permits have been issued 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. 16526* The Maine Department of Marine Resources, Gail Wippelhauser, Ph.D., (Responsible Party (RP)), 21 State House Station, Augusta, ME 04333, was issued a five-year permit to determine the movement patterns and rate of exchange between coastal river systems in Maine, characterize the population structure, and generate estimates of population abundance. Researchers will capture adult, juvenile, and early life stage Atlantic sturgeon. Individuals will be measured, weighed, photographed, PIT tagged, Floy/T-bar tagged, tissue sampled, boroscoped, apical spine sampled, blood sampled, anesthetized, fin ray sectioned, and be implanted with an acoustic telemetry tag.

*File No. 16323* The Connecticut Department of Environmental Protection Marine Fisheries, Tom Savoy (RP), PO Box 719, Old Lyme, CT 06371, was issued a five-year permit to monitor Atlantic sturgeon populations to determine behavior, movement, and current status of the species in Connecticut waters. Adult and juvenile Atlantic sturgeon will be measured, weighed, photographed, PIT and Floy/T-bar tagged, genetic tissue sampled, anesthetized, and have a fin ray clipped for ageing analysis; and a subset will be implanted with an internal sonic tag to assess movement patterns.

*File No. 16436* The New York State Department of Environmental Conservation, Kathryn Hattala (RP), 21 South Putt Corners Road, New Paltz, NY 12561, was issued a five-year permit to research Atlantic sturgeon in the Hudson River estuary, specifically to assess abundance of juveniles, characterize the adult spawning stock, and generate population estimates. Captured Atlantic sturgeon will be measured, weighed, PIT and dart tagged, tissue sampled, implanted with an external telemetry tag, anesthetized, and gastric lavaged.

*File No. 16422* Stony Brook University, School of Marine and Atmospheric Sciences, Michael Frisk (RP), Stony Brook, NY 11794-5000, was issued a five-year permit to research Atlantic sturgeon in the marine and estuarine waters of Connecticut, New York, New Jersey, and Delaware. To characterize Atlantic sturgeon aggregations, Atlantic sturgeon will be captured, measured, weighed, Carlin/Dart tagged, PIT tagged, anesthetized, fin ray sampled, and genetic tissue sampled. Some sturgeon will additionally be implanted internally with a satellite tag, and others will be fitted with an external pop-up satellite tag. A subset of fish will be gastric

lavaged, blood sampled, and gill biopsied.

*File No. 16438* Environmental Research and Consulting, Inc., Hal Brundage (RP), 126 Bancroft Road, Kennett Square, PA 19348, was issued a five-year permit to study juvenile Atlantic sturgeon abundance, distribution, movement, habitat preferences and biology in the Delaware River and Bay. Researchers will capture, measure, weigh, photograph, PIT and Floy tag, and genetic tissue sample juvenile Atlantic sturgeon. A subset will be anesthetized, gastric lavaged, blood sampled, and implanted with an internal sonic tag. Early life stage fish will also be lethally sampled.

*File No. 16431* The Delaware Division of Fish and Wildlife, Stewart Michels (RP), 4876 Hay Point Landing Road, Smyrna, DE 19977, was issued a five-year permit to sample juvenile Atlantic sturgeon in the Delaware River to locate nursery habitat, and characterize population ecology and habitat use. Fish will be captured using gill nets, measured, weighed, photographed, PIT and Floy tagged, tissue sampled, anesthetized, gastric lavaged, and implanted with an internal sonic tag.

*File No. 16507* Dwayne Fox, Ph.D., of Delaware State University, 1200 North DuPont Highway, Dover, DE 19901, was issued a five-year permit to sample Atlantic sturgeon in the Delaware River and Bay, as well as in the coastal waters of Delaware. The objectives of this research are to provide more detailed information on the spawning location of Atlantic sturgeon and to develop a fishery independent sampling program to help assess recovery of the species. Researchers will use gill nets to capture adult and juvenile Atlantic sturgeon and egg mats to capture larval fish. Adult and juvenile Atlantic sturgeon will be measured, weighed, photographed, PIT and Floy tagged, and tissue sampled; a subset will be anesthetized, implanted with an internal sonic tag, fin ray sampled, and gonad tissue sampled.

*File No. 16547* The U.S. Fish and Wildlife Service, Albert Spells (RP), 11110 Kimages Road, Charles City, VA 23030 was issued a five-year permit to study Atlantic sturgeon in the Chesapeake Bay and its tributaries. Adult and juvenile Atlantic sturgeon will be captured using gill nets, trawls, fyke nets, trammel nets, and pound nets, and larval fish will be collected using egg mats. Adult and juvenile fish will be measured, weighed, tissue sampled, PIT and Floy tagged, and a subset of fish will have an external satellite tag attached.