

stimuli on baseline behavioral patterns and behavioral variation between individuals and populations.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Documents may be reviewed in the following locations:

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;

Alaska Region, NMFS, P.O. Box 21668,  
Juneau, AK 99802-1668; phone  
(907)586-7221; fax (907)586-7249;  
Southwest Region, NMFS, 501 West  
Ocean Blvd., Suite 4200, Long Beach,  
CA 90802-4213; phone (562)980-4001; fax (562)980-4018;

Pacific Islands Region, NMFS, 1601  
Kapiolani Blvd., Rm 1110, Honolulu,  
HI 96814-4700; phone (808)944-2200; fax (808)973-2941;

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, FL  
33701; phone (727)824-5312; fax  
(727)824-5309.

Dated: April 18, 2013.

**P. Michael Payne,**

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

[FR Doc. 2013-09485 Filed 4-22-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Hydrographic Services Review Panel Meeting

**AGENCY:** National Ocean Service, National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

**ACTION:** Notice of open meeting (via webinar and teleconference).

**SUMMARY:** The Hydrographic Services Review Panel (HSRP) is a Federal

Advisory Committee established to advise the Under Secretary of Commerce for Oceans and Atmosphere on matters related to the responsibilities and authorities set forth in section 303 of the Hydrographic Services Improvement Act of 1998, as amended, and such other appropriate matters that the Under Secretary refers to the Panel for review and advice.

**Date and Time:** The public meeting will be held on May 7-8, 2013. May 7th from 1:00 p.m. to 5:00 p.m. EDT; May 8th from 1:00 p.m. to 5:00 p.m. EDT.

#### FOR FURTHER INFORMATION CONTACT:

Kathy Watson, HSRP Program Coordinator, National Ocean Service (NOS), Office of Coast Survey, NOAA (N/CS), 1315 East West Highway, Silver Spring, Maryland 20910; Telephone: 301-713-2770 ext. 158; Fax: 301-713-4019; Email: [Kathy.Watson@noaa.gov](mailto:Kathy.Watson@noaa.gov) or visit the NOAA HSRP Web site at <http://nauticalcharts.noaa.gov/ocs/hsrp/hsrp.htm>.

**SUPPLEMENTARY INFORMATION:** The HSRP meeting will be held via webinar and teleconference. Members of the public who wish to participate in the meeting must register in advance by April 26, 2013. Please register by contacting Kathy Watson, HSRP Program Coordinator at email:

[Kathy.Watson@noaa.gov](mailto:Kathy.Watson@noaa.gov) or tel: (301) 713-2770 ext. 158. Web and teleconference information will be provided to registrants prior to the meeting. While the meeting will be open to the public, web and teleconference capacity may be limited.

The meeting will include an opportunity for public comment. A 15 minute public comment period is scheduled near the end of the meeting on both days. Public comment periods will be included in the final agenda published before April 30, 2013, on the HSRP Web site listed above. Comments will be recorded. Written comments should be submitted to [Kathy.Watson@noaa.gov](mailto:Kathy.Watson@noaa.gov) by April 30, 2013. Written comments submitted by this date will be reviewed by the HSRP and discussed at the meeting. Written comments received after April 30, 2013, will be distributed to the HSRP, but may not be reviewed by the HSRP until the day of the web/teleconference meeting.

**Matters To Be Considered:** Information to be presented for discussion includes updates on: (1) FY13 Appropriations, FY14 Budget, Sandy Supplemental funding, and legislative updates; (2) Committee on Marine Transportation System; (3) Integrated Ocean and Coastal Mapping; and (4) NOAA Fleet Recapitalization Plan. Other matters being developed for

discussion include activities relating to hydrography, geodesy, coastal mapping, and tides, currents and water levels, as well as administrative matters pertaining to the HSRP.

Dated: April 17, 2013.

**Christopher C. Cartwright,**

*Associate Assistant Administrator for Management and CFO/CAO, Ocean Services and Coastal Zone Management, National Oceanic and Atmospheric Administration.*

[FR Doc. 2013-09490 Filed 4-22-13; 8:45 am]

**BILLING CODE 3510-JE-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA713**

#### Endangered Species; Permit No. 16507-01

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

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

**SUMMARY:** Notice is hereby given that a request for modification of scientific research Permit No. 16507 submitted by Dewayne Fox, Ph.D., of Delaware State University, 1200 North DuPont Highway, Dover, DE 19901 has been granted.

**ADDRESSES:** The modification and related documents are available for review upon written request or by appointment:

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 Northeast Region, NMFS, 55 Great Republic Drive, Gloucester, MA 01930-2298; phone (978)281-9328; fax (978)281-9394.

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

**SUPPLEMENTARY INFORMATION:** The requested modification has been granted under the authority of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*) and the provisions of § 222.306 of the regulations governing the taking, importing, and exporting of endangered and threatened fish and wildlife (50 CFR 222-226).

Permit No. 16507 authorizes researchers to use gill nets to capture adult and juvenile Atlantic sturgeon and egg mats to capture larval fish. Adult

and juvenile Atlantic sturgeon may be measured, weighed, photographed, passive integrated transponder and Floy tagged, and tissue sampled; a subset will be anesthetized, implanted with an internal sonic tag, fin ray sampled, and gonad tissue sampled. The objectives of this research are to provide more detailed information on the spawning location of sturgeon and to develop a fishery independent sampling program to help assess recovery of the species. The permit holder is now authorized to capture and sample up to 100 shortnose sturgeon annually in the Delaware River and Bay. All research objectives, capture methods, action areas, and activities remain unchanged. The modification is valid until the permit expires on April 5, 2017.

Issuance of this modification, as required by the ESA was based on a finding that such permit: (1) Was applied for in good faith; (2) will not operate to the disadvantage of such endangered or threatened species, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: April 17, 2013.

**P. Michael Payne,**

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

[FR Doc. 2013-09478 Filed 4-22-13; 8:45 am]

**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XC172**

#### **Taking of Marine Mammals Incidental to Specified Activities; Construction at Orcas Island and Friday Harbor Ferry Terminals**

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

**ACTION:** Notice; issuance of an incidental take authorization.

**SUMMARY:** In accordance with the Marine Mammal Protection Act (MMPA) regulations, notification is hereby given that NMFS has issued an Incidental Harassment Authorization (IHA) to the Washington State Department of Transportation (WSDOT) to take, by harassment, small numbers of 11 species of marine mammals incidental to vibratory pile driving and pile removal activities at the Orcas Island and Friday Harbor ferry terminals

in Washington State between September 2013 and February 2014.

**DATES:** Effective September 1, 2013, through August 31, 2014.

**ADDRESSES:** Requests for information on the incidental take authorization 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. A copy of the application containing a list of the references used in this document, NMFS' Environmental Assessment (EA), Finding of No Significant Impact (FONSI), and the IHA may be obtained by writing to the address specified above or 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:** Shane Guan, Office of Protected Resources, NMFS, (301) 427-8401.

#### **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 U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified 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.

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 citizens of the U.S. can apply for a one-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.

#### **Summary of Request**

On May 25, 2012, WSDOT submitted a request to NOAA requesting an IHA for the possible harassment of small numbers of 11 marine mammal species incidental to construction associated with the replacement of dolphin structures at the Orcas Island and Friday Harbor ferry terminals in Washington State. On July 20, WSDOT submitted a revised IHA application. The action discussed in this document is based on WSDOT's July 20, 2012, IHA application.

#### **Description of the Specified Activity**

Detailed description of the WSDOT's dolphin replacement work at the Orcas Island and Friday Harbor ferry terminals is provided in the **Federal Register** notice for the proposed IHA (78 FR 9373; February 8, 2013). Since that time, no changes have been made to the dolphin replacement project at Orcas Island and Friday Harbor ferry terminals, except that WSDOT requested the incidental take coverage to be extended from February 28, 2014, through August 31, 2014, in case the project may be postponed. Nevertheless, the amount of activity and the duration of actual in-water construction has not changed. The potential change in work season will not affect marine mammal take estimates since the actual construction duration will not change and the initial calculation relied on marine mammal presence in the project area on annual basis.

The details of WSDOT's dolphin replacement work at Orcas Island and Friday Harbor ferry terminals are provided in the **Federal Register** notice for the proposed IHA (78 FR 9373; February 8, 2013). Please refer to that **Federal Register** notice for the description of the specific activity.

#### **Comments and Responses**

A notice of NMFS' proposal to issue an IHA to WSDOT was published in the **Federal Register** on February 8, 2013 (78 FR 9373). That notice described, in detail, WSDOT's activity, the marine mammal species that may be affected by