

Nassau and goliath groupers, and all species of parrotfish.

For this second project, the EFP would allow the collection of a total of 150 lb (68 kg) of red hind during their closed spawning season of December 1 through the last day of February in Caribbean EEZ waters west of 67°10'00" W. long.; and the collection of a total of 150 lb (68 kg) of mutton snapper, which may occur during its seasonal closure, which runs from April 1 through June 30 in the Caribbean EEZ. After being harvested and sampled, all reef fish that were collected would be donated to a local zoo.

The NMFS New Procedures and Actions for Incidental Takes of Marine Mammals in Research and Monitoring Activities policy, approved in 2015, would be followed in the event of any incidental captures of marine mammals. Anchoring in Federal waters to conduct fishing activities would occur up to a maximum of 10 times in areas that do not affect corals. Anchoring and fishing activities would not take place in the spawning aggregation managed areas of Bajo de Sico, Tourmaline, or Abrir La Sierra, west of Puerto Rico.

For both projects of the EFP, samples would be collected aboard research vessels owned by PR DNER and aboard private vessels contracted by the PR DNER. These vessels will be operated by PR DNER personnel or commercial fishermen and/or boat operators under contract with PR DNER. Each research vessel's home port is located in Puerto Rico.

NMFS finds this application warrants further consideration, based on a preliminary review. Possible conditions the agency may impose on this permit, if it is indeed granted, include but are not limited to, a prohibition on conducting research within marine protected areas, marine sanctuaries, or special management zones, without additional authorization. Additionally, NMFS would require any sea turtles taken incidentally during the course of fishing or scientific research activities to be handled with due care to prevent injury to live specimens, observed for activity, and returned to the water. A final decision on issuance of the EFP will depend on NMFS' review of public comments received on the application, consultations with the affected state(s), the Council, and the U.S. Coast Guard, and a determination that it is consistent with all applicable laws.

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

Dated: June 22, 2016.

**Alan D. Risenhoover,**

*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

#### Proposed Information Collection; Comment Request; California-Oregon- Washington Coastal Purse Seine Survey.

**AGENCY:** National Oceanic and Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice.

**SUMMARY:** The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995.

**DATES:** Written comments must be submitted on or before August 29, 2016.

**ADDRESSES:** Direct all written comments to Jennifer Jessup, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6616, 14th and Constitution Avenue NW., Washington, DC 20230 (or via the Internet at [Jjessup@doc.gov](mailto:Jjessup@doc.gov)).

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information or copies of the information collection instrument and instructions should be directed to James Hilger, (858) 546-7140 or [james.hilger@noaa.gov](mailto:james.hilger@noaa.gov).

**SUPPLEMENTARY INFORMATION:**

#### I. Abstract

This request is for a new collection of information.

The Southwest Fisheries Science Center (SWFSC) is undertaking an economics data collection effort for the West Coast Coastal Pelagic Species (CPS) fleet to improve the SWFSC's capability to do the following: (1) Describe and monitor economic performance (*e.g.*, profitability, capacity utilization, efficiency, and productivity) and impacts (*e.g.*, sector, community, or region-specific employment and income); (2) determine the quantity and distribution of net benefits derived from living marine resources; (3) understand and predict the ecological, and behavior of participants in Federally managed commercial fisheries; (4) predict the

biological, ecological, and economic impacts of existing management measures and alternative proposed management actions; and, (4) in general, more effectively conduct the analyses required under the MSA, the Endangered Species Act (ESA), and the Marine Mammal Protection Act (MMPDA), the National Environmental Policy Act (NEP), and Regulatory Flexibility Act (RFA), Executive Order 12866, and other applicable law.

CPS fishery participants are defined as US west-coast purse seine vessels participating in the coastal pelagic species (CPS) fisheries—northern anchovy, Pacific mackerel, Pacific sardine, and/or market squid), we intend to survey all Washington-Oregon-California coastal purse seine vessels with sardine landings in any year between 2015 and the initiation of the survey. This includes vessels fishing off California in the limited entry program under the CPS Fishery Management Plan (FMP) and State permitted vessels fishing off Washington and Oregon.

#### II. Method of Collection

CPS fishery participants will be contacted and screened to participate in the data collection. A cost and earnings survey will be scheduled and administered to eligible respondents as appropriate. Screener, scheduling and survey modes may include in-person, internet, phone, or mail.

#### III. Data

*OMB Control Number:* 0648-xxxx.

*Form Number(s):* None.

*Type of Review:* Regular submission (request for a new information collection).

*Affected Public:* Business or other for-profit organizations.

*Estimated Number of Respondents:* 100.

*Estimated Time per Response:* 5 minutes for screener; 5 minutes to schedule survey for qualified and interested respondents; 60 minutes for the survey.

*Estimated Total Annual Burden Hours:* 95.

*Estimated Total Annual Cost to Public:* \$0 in recordkeeping/reporting costs.

#### IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the

proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: June 23, 2016.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[Docket No. 150506425-6516-02]

RIN 0648-XD941

#### Endangered and Threatened Wildlife and Plants; Notice of 12-Month Finding on Petition To List the Smooth Hammerhead Shark as Threatened or Endangered Under the Endangered Species Act

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

**ACTION:** Notice of 12-month finding and availability of status review document.

**SUMMARY:** We, NMFS, announce a 12-month finding on a petition to list the smooth hammerhead shark (*Sphyrna zygaena*) as threatened or endangered under the Endangered Species Act (ESA). We have completed a comprehensive status review of the smooth hammerhead shark in response to this petition. Based on the best scientific and commercial information available, including the status review report (Miller 2016), we have determined that the species does not warrant listing at this time. We conclude that the smooth hammerhead shark is not currently in danger of extinction throughout all or a significant portion of its range and is not likely to become so within the foreseeable future.

**DATES:** This finding was made on June 28, 2016.

**ADDRESSES:** The status review report for the smooth hammerhead shark is available electronically at: <http://>

[www.fisheries.noaa.gov/pr/species/fish/smooth-hammerhead-shark.html](http://www.fisheries.noaa.gov/pr/species/fish/smooth-hammerhead-shark.html). You may also receive a copy by submitting a request to the Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910, Attention: Smooth Hammerhead Shark 12-month Finding.

**FOR FURTHER INFORMATION CONTACT:** Maggie Miller, NMFS, Office of Protected Resources, (301) 427-8403.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 27, 2015, we received a petition from Defenders of Wildlife to list the smooth hammerhead shark (*Sphyrna zygaena*) as threatened or endangered under the ESA throughout its entire range, or, as an alternative, to list any identified Distinct Population Segment (DPS) as threatened or endangered. The petitioners also requested that critical habitat be designated for the smooth hammerhead under the ESA. In the case that the species does not warrant listing under the ESA, the petition requested that the species be listed based on its similarity of appearance to the listed DPSs of the scalloped hammerhead shark (*Sphyrna lewini*). On August 11, 2015, we published a positive 90-day finding (80 FR 48053) announcing that the petition presented substantial scientific or commercial information indicating the petitioned action of listing the species may be warranted and explained the basis for that finding. We also announced the initiation of a status review of the species, as required by Section 4(b)(3)(a) of the ESA, and requested information to inform the agency's decision on whether the species warranted listing as endangered or threatened under the ESA.

##### Listing Species Under the Endangered Species Act

We are responsible for determining whether smooth hammerhead sharks are threatened or endangered under the ESA (16 U.S.C. 1531 *et seq.*). To make this determination, we first consider whether a group of organisms constitutes a "species" under Section 3 of the ESA, then whether the status of the species qualifies it for listing as either threatened or endangered. Section 3 of the ESA defines species to include "any subspecies of fish or wildlife or plants, and any distinct population segment of any species of vertebrate fish or wildlife which interbreeds when mature." On February 7, 1996, NMFS and the U.S. Fish and Wildlife Service (USFWS; together, the Services) adopted a policy describing what constitutes a

DPS of a taxonomic species (61 FR 4722). The joint DPS policy identified two elements that must be considered when identifying a DPS: (1) The discreteness of the population segment in relation to the remainder of the species (or subspecies) to which it belongs; and (2) the significance of the population segment to the remainder of the species (or subspecies) to which it belongs.

Section 3 of the ESA defines an endangered species as "any species which is in danger of extinction throughout all or a significant portion of its range" and a threatened species as one "which is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range." Thus, in the context of the ESA, the Services interpret an "endangered species" to be one that is presently at risk of extinction. A "threatened species" is not currently at risk of extinction, but is likely to become so in the foreseeable future. The key statutory difference between a threatened and endangered species is the timing of when a species may be in danger of extinction, either now (endangered) or in the foreseeable future (threatened).

The statute also requires us to determine whether any species is endangered or threatened as a result of any one or a combination of the following five factors: The present or threatened destruction, modification, or curtailment of its habitat or range; overutilization for commercial, recreational, scientific, or educational purposes; disease or predation; the inadequacy of existing regulatory mechanisms; or other natural or manmade factors affecting its continued existence (ESA section 4(a)(1)(A)-(E)). Section 4(b)(1)(A) of the ESA requires us to make listing determinations based solely on the best scientific and commercial data available after conducting a review of the status of the species and after taking into account efforts being made by any State or foreign nation or political subdivision thereof to protect the species. In evaluating the efficacy of existing domestic protective efforts, we rely on the Services' joint *Policy on Evaluation of Conservation Efforts When Making Listing Decisions* ("PECE"; 68 FR 15100; March 28, 2003) for any conservation efforts that have not been implemented, or have been implemented but not yet demonstrated effectiveness.

##### Status Review

The status review for the smooth hammerhead shark was conducted by a NMFS biologist in the Office of