

This revised estimate of take constitutes 0.14 percent of the population of California sea lions, which is 0.09 percent greater than the estimated take in the rule, and is the same kind of take anticipated in the regulations. Accordingly, the anticipated taking remains consistent with the basis for our final rule determinations of negligible impact based on the total taking and of small numbers, and our subsistence findings for the specified activity.

#### **Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing**

In August 2016, NMFS released its Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Guidance), which established new thresholds for predicting auditory injury, which equates to Level A harassment under the MMPA. In the August 4, 2016, **Federal Register** notice announcing the Guidance (81 FR 51694), NMFS explained the approach it would take during a transition period, wherein we balance the need to consider this new best available science with the fact that some applicants have already committed time and resources to the development of acoustic analyses based on our previous thresholds and have constraints that preclude the recalculation of take estimates, as well as consideration of where the agency is in the decision-making pipeline. In that notice, we included a non-exhaustive list of factors that would inform the most appropriate approach for considering the new Guidance, including: How far in the MMPA process the applicant has progressed; the scope of the effects; when the authorization is needed; the cost and complexity of the analysis; and the degree to which the Guidance is expected to affect our analysis.

In this case, SDOT submitted a timely request for an LOA that was determined to be adequate and complete prior to availability of the Guidance and indicated that they would need to receive their fourth (final) LOA (if issued) by fall 2016. The incidental take rule for SDOT's activities considered the potential for auditory injury to marine mammals, and concluded that injury would be unlikely to occur due to SDOT's mitigation measures and SDOT's observed success of those measures as implemented previously. As described in the preamble of the regulations (78 FR 63396), the SDOT calculated Level A harassment and the Level A harassment mitigation zones on the basis of NMFS' then-current

thresholds for onset of P (*i.e.*, 180/190 dB rms) (PTS).

Following release of the Guidance, we considered the updated thresholds and found that the distances at which animals might be exposed to injury fall mostly within the mitigation zones, and therefore the likelihood of auditory injury of marine mammals is still low. However, to further reduce the likelihood in light of the Guidance, the SDOT will now implement a 61meter (m) exclusion zone for high frequency cetaceans and a 25 m exclusion zone for pinnipeds (inclusive of both phocids and otariids) during vibratory pile driving, which is larger than the PTS isopleth indicated by the Guidance for otariids. As an addition to their monitoring plan, the SDOT will use Internet sites that track whale activity in Puget Sound prior to and during monitoring shifts in anticipation of any cetacean that may enter the Level A/B harassment zones. In summary, we have considered the new Guidance and believe that the likelihood of injury is adequately addressed in the analysis and appropriate protective measures are in place in the LOA.

#### **Authorization**

NMFS has issued an LOA to SDOT authorizing the Level B harassment of marine mammals incidental to pile driving activities associated with the EBSP at Seattle, WA. Take of marine mammals will be minimized through implementation of the following mitigation measures: (1) Limited impact pile driving; (2) containment of impact pile driving; (3) additional sound attenuation measures; (4) ramp-up of pile-related activities; (5) marine mammal exclusion zones; and (6) shutdown and delay procedures. SDOT will also conduct visual monitoring and underwater acoustic monitoring for mitigation and research purposes. Reports will be submitted to NMFS at the time of request for a renewal of the LOA, and a final comprehensive report, which will summarize all previous reports and assess cumulative impacts, will be submitted before the rule expires.

Issuance of this LOA takes into consideration the results of the monitoring reports as well as NMFS' Guidance on hearing impacts from anthropogenic acoustic sources. Based on that information and the information discussed in the rule making for the five-year regulations, the activities described under the LOA and the level of anticipated taking is consistent with the findings made for the total taking allowable under the regulations, the project activities will have a negligible

impact on the affected marine mammal species or stocks and will not have an unmitigable adverse impact on their availability for subsistence uses.

Dated: November 9, 2016.

**Donna S. Wieting,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

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## **DEPARTMENT OF COMMERCE**

### **National Oceanic and Atmospheric Administration**

#### **Proposed Information Collection; Comment Request; Large Pelagic Fishing Survey**

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

**ACTION:** Notice.

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**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 January 17, 2017.

**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 John Foster, (301) 427-8130 or [john.foster@noaa.gov](mailto:john.foster@noaa.gov).

#### **SUPPLEMENTARY INFORMATION:**

##### **I. Abstract**

This request is for extension of a currently approved information collection. The Large Pelagic Fishing Survey consists of dockside and telephone surveys of recreational anglers for large pelagic fish (tunas, sharks, and billfish) in the Atlantic Ocean. The survey provides the National Marine Fisheries Service (NMFS) with information to monitor catch of bluefin tuna, marlin and other federally managed species. Catch monitoring in these fisheries and collection of catch and effort statistics for all pelagic fish is required under the

Atlantic Tunas Convention Act and the Magnuson-Stevens Fishery Conservation and Management Act. The information collected is essential for the United States (U.S.) to meet its reporting obligations to the International Commission for the Conservation of Atlantic Tuna.

## II. Method of Collection

Dockside and telephone interviews are used. In lieu of telephone interviews, respondents may also provide information online via a Web tool.

## III. Data

*OMB Control Number:* 0648–0380.

*Form Number:* None.

*Type of Review:* Regular submission (extension of a current information collection).

*Affected Public:* Individuals or households; business or other for-profit organizations.

*Estimated Number of Unduplicated Respondents:* 15,024.

*Estimated Time per Response:* 11 minutes for a telephone interview; 5 minutes for a dockside interview; 1½ minutes to respond to a follow-up validation call for dockside interviews; 1 minute for a biological sampling of catch.

*Estimated Total Annual Burden Hours:* 3,608.

*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: November 9, 2016.

**Sarah Brabson,**

*NOAA PRA Clearance Officer.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648–XE943**

#### Atlantic Highly Migratory Species; Exempted Fishing, Scientific Research, Display, Shark Research Fishery, and Chartering Permits; Letters of Acknowledgment

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

**ACTION:** Notice of intent; request for comments.

**SUMMARY:** NMFS announces its intent to issue exempted fishing permits (EFPs), scientific research permits (SRPs), display permits, letters of acknowledgment (LOAs), shark research fishery permits, and chartering permits for Atlantic highly migratory species (HMS) in 2017. EFPs and related permits would authorize collection of a limited number of tunas, swordfish, billfishes, and sharks (collectively known as HMS) from Federal waters in the Atlantic Ocean, Caribbean Sea, and Gulf of Mexico for the purposes of scientific data collection, bycatch research, public display, and to evaluate the efficacy of environmental clean-up efforts, among other things. LOAs acknowledge that scientific research activity aboard a scientific research vessel is being conducted. Chartering permits allow the owner of a U.S. fishing vessel to fish under a chartering arrangement, which is a contract or agreement between a U.S. vessel owner and a foreign entity by which the control, use, or services of a vessel are secured for a period of time for fishing for Atlantic HMS on the high seas or in the Exclusive Economic Zone of other nations. Generally, EFPs and related permits would be valid from the date of issuance through December 31, 2017, unless otherwise specified, subject to the terms and conditions of individual permits.

**DATES:** Written comments on these activities received in response to this notice will be considered by NMFS when issuing EFPs and related permits and must be received on or before December 16, 2016.

**ADDRESSES:** Comments may be submitted by any of the following methods:

- *Email:* [nmfs.hms.efp2017@noaa.gov](mailto:nmfs.hms.efp2017@noaa.gov). Include in the subject line the following identifier: 0648–XE943.
- *Mail:* Craig Cockrell, Highly Migratory Species Management Division

(F/SF1), NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

**FOR FURTHER INFORMATION CONTACT:** Craig Cockrell, phone: (301) 427–8503.

**SUPPLEMENTARY INFORMATION:** Issuance of EFPs and related permits are necessary because HMS regulations (e.g., fishing seasons, prohibited species, authorized gear, closed areas, and minimum sizes) may otherwise prohibit the collection of live animals and/or biological samples for data collection and public display purposes or may otherwise prohibit certain fishing activity. Pursuant to 50 CFR parts 600 and 635, a NMFS Regional Administrator or Director may authorize, for limited testing, public display, data collection, exploratory fishing, compensation fishing, conservation engineering, health and safety surveys, environmental cleanup, and/or hazard removal purposes, the target or incidental harvest of species managed under an FMP or fishery regulations that would otherwise be prohibited. These permits exempt permit holders from the specific portions of the regulations (e.g., fishing seasons, prohibited species, authorized gear, closed areas, and minimum sizes) that may otherwise prohibit the collection of HMS for public education, public display, or scientific research. Permit holders are not exempted from the regulations in entirety. Collection of HMS under EFPs, SRPs, LOAs, display, shark research fishery, and chartering permits represents a small portion of the overall fishing mortality for HMS, and this mortality is counted against the quota of the species harvested, as appropriate and applicable. The terms and conditions of individual permits are unique; however, all permits will include reporting requirements, limit the number and/or species of HMS to be collected, and only authorize collection in Federal waters of the Atlantic Ocean, Gulf of Mexico, and Caribbean Sea.

EFPs and related permits are issued under the authority of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act (Magnuson-Stevens Act) (16 U.S.C. 1801 *et seq.*) and/or the Atlantic Tunas Convention Act (ATCA) (16 U.S.C. 971 *et seq.*). Regulations at 50 CFR 600.745 and 635.32 govern scientific research activity, exempted fishing, chartering arrangements, and exempted public display and educational activities with respect to Atlantic HMS. Before issuing LOAs, EFPs, or SRPs, NMFS requests, among other things, copies of scientific research plans. Because the Magnuson-Stevens Act states that scientific research activity which is conducted on