

to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific reasons why a hearing on this application would be appropriate.

**FOR FURTHER INFORMATION CONTACT:** Shasta McClenahan or Carrie Hubard, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*), the regulations governing the taking and importing of marine mammals (50 CFR part 216), 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).

The applicant requests a 5-year permit to take marine mammals for research in the Atlantic Ocean and off the west coast of Florida during vessel and manned and unmanned aerial surveys. The objectives of the research are to continue North Atlantic right whale (NARW; *Eubalaena glacialis*) population monitoring efforts, identifying and reducing human causes of mortality and serious injury, monitoring and protecting NARW habitat, and helping to implement the NARW Recovery Plan. Up to 500 endangered NARWs, and 50 non-listed humpback whales (*Megaptera novaeangliae*) may be targeted annually for research activities including counts, behavioral observations, photography, photo-identification, photogrammetry, video recording, and passive acoustic recording. Biological samples, including sloughed skin, fecal, breath, and skin and blubber biopsies, may be collected from 95 NARW adults or juveniles and 60 NARW calves annually, and these samples may be exported and re-imported for analysis. Up to 15 NARWs may be tagged each year with either traditional dart/barb tags or suction-cup tags. Additional marine mammals that may be harassed incidental to research include up to 50 each of endangered sei whales (*Balaenoptera borealis*) and non-listed long-finned pilot whales (*Globicephala melas*), and 500 each of Atlantic white-sided (*Lagenorhynchus acutus*), Atlantic spotted (*Stenella frontalis*), and bottlenose (*Tursiops truncatus*) dolphins, annually.

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.

Dated: July 7, 2017.

**Catherine Marzin**,

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

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF514**

#### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program

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

**ACTION:** Notification of fee percentage.

**SUMMARY:** NMFS publishes notification of a 1.57 percent fee for cost recovery under the Bering Sea and Aleutian Islands Crab Rationalization Program. This action is intended to provide holders of crab allocations with the fee percentage for the 2017/2018 crab fishing year so they can calculate the required payment for cost recovery fees that must be submitted by July 31, 2018.

**DATES:** The Crab Rationalization Program Registered Crab Receiver permit holder is responsible for submitting the fee liability payment to NMFS on or before July 31, 2018.

**FOR FURTHER INFORMATION CONTACT:** Suja Hall, 907-586-7228.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

NMFS Alaska Region administers the Bering Sea and Aleutian Islands Crab Rationalization Program (Program) in the North Pacific. Fishing under the Program began on August 15, 2005. Regulations implementing the Program can be found at 50 CFR part 680.

The Program is a limited access system authorized by section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Program includes a cost recovery provision to collect fees to recover the actual costs directly related to the management, data

collection, and enforcement of the Program. The Program implemented under the authority of section 313(j) is consistent with the cost recovery provisions included under section 304(d)(2)(A) of the Magnuson-Stevens Act. NMFS developed the cost recovery provision to conform to statutory requirements and to reimburse the agency for the actual costs directly related to the management, data collection, and enforcement of the Program. The cost recovery provision allows collection of 133 percent of the actual management, data collection, and enforcement costs up to 3 percent of the ex-vessel value of crab harvested under the Program. The Program provides that a proportional share of fees charged for management and enforcement be forwarded to the State of Alaska for its share of management and data collection costs for the Program. The cost recovery provision also requires the harvesting and processing sectors to each pay half the cost recovery fees. Catcher/processor quota shareholders are required to pay the full fee percentage for crab processed at sea.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed. The crab allocations include Individual Fishing Quota, Crew Individual Fishing Quota, Individual Processing Quota, Community Development Quota, and the Adak community allocation. The Registered Crab Receiver (RCR) permit holder must collect the fee liability from the crab allocation holder who is landing crab. Additionally, the RCR permit holder must collect his or her own fee liability for all crab delivered to the RCR. The RCR permit holder is responsible for submitting this payment to NMFS on or before July 31, in the year following the crab fishing year in which landings of crab were made.

The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed 3 percent) by the ex-vessel value of crab debited from the allocation. Specific details on the Program's cost recovery provision may be found in the implementing regulations at 50 CFR 680.44.

##### **Fee Percentage**

Each year, NMFS calculates and publishes in the **Federal Register** the fee percentage according to the factors and methodology described at § 680.44(c)(2). The formula for determining the fee percentage is the "direct program costs" divided by "value of the fishery," where "direct program costs" are the direct program costs for the Program for the previous fiscal year, and "value of the fishery" is the ex-vessel value of the

catch subject to the crab cost recovery fee liability for the current year. Fee collections for any given year may be less than, or greater than, the actual costs and fishery value for that year, because, by regulation, the fee percentage is established in the first quarter of a crab fishery year based on the fishery value and the costs of the prior year.

Based upon the fee percentage formula described above, the estimated percentage of costs to value for the 2016/2017 fishery was 1.57 percent. Therefore, the fee percentage will be 1.57 percent for the 2017/2018 crab fishing year. This is a decrease of 0.03 percent from the 2016/2017 fee percentage of 1.60 percent (81 FR 45458; July 14, 2016). The change in the fee percentage from 2016/2017 to 2017/2018 is due to decreases in direct program costs incurred by the Alaska Department of Fish and Game and the NOAA Office of Law Enforcement. These reduced costs were due to minor decreases in personnel, training, and supplies related to managing the Program in the 2016/2017 crab fishing year. Additionally, the value of crab harvested under the Program decreased by \$39.7 million. The decrease in the value of the fishery offset the decreases in direct program costs and limited the change in the fee percentage from 2016/2017 to 2017/2018.

**Authority:** 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

Dated: July 10, 2017.

**Emily H. Menashes,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648–XF119

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Site Characterization Surveys off the Coast of New York

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

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

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as

amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to Deepwater Wind, LLC, (DWW) to incidentally harass, by Level B harassment only, marine mammals during high-resolution geophysical (HRG) and geotechnical survey investigations associated with marine site characterization activities off the coast of New York in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS–A 0486) (Lease Area) and along potential submarine cable routes to a landfall location in Easthampton, New York (“Submarine Cable Corridor”) (collectively the Lease Area and Submarine Cable Corridor are the Project Area).

**DATES:** This Authorization is effective from June 16, 2017 through June 15, 2018.

#### FOR FURTHER INFORMATION CONTACT:

Laura McCue, Office of Protected Resources, NMFS, (301) 427–8401. Electronic copies of the applications and supporting documents, as well as a list of the references cited in this document, may be obtained by visiting the Internet at: [www.nmfs.noaa.gov/pr/permits/incidental/energy\\_other.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/energy_other.htm). In case of problems accessing these documents, please call the contact listed above.

#### 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, we adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term “take” means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

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).

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an incidental harassment authorization) with respect to potential impacts on the human environment. Accordingly, NMFS prepared an Environmental Assessment (EA) to consider the environmental impacts associated with the issuance of the IHA.

NMFS’ EA will be made available at [www.nmfs.noaa.gov/pr/permits/incidental/other\\_energy.htm](http://www.nmfs.noaa.gov/pr/permits/incidental/other_energy.htm) at the time of the publication of this **Federal Register** notice.

#### Summary of Request

On December 1, 2016, NMFS received application request from DWW for an IHA to take marine mammals incidental to 2017 geophysical survey investigations in the area of the Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) lease area #OCS–A–0486 Lease Area and along potential submarine cable routes to a landfall location in Easthampton, New York (Project Area) designated and offered by the U.S. Bureau of Ocean Energy Management (BOEM), to support the development of an offshore wind project. DWW’s request was for take of 18 species of marine mammals by Level B harassment of a small number of 18 species and take by Level A harassment of 3 species. Neither DWW nor NMFS expects mortality to result from this activity; and therefore, an IHA is appropriate. NMFS determined that the