

## I. Abstract

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) provides for the nomination for members of Fishery Management Councils by state governors and Indian treaty tribes, for the designation of a principal state fishery official who will perform duties under the Magnuson-Stevens Act, and for a request by a state for reinstatement of state authority over a managed fishery. Nominees must provide the governor or tribe with the background documentation which is then submitted to NOAA with the nomination. The information submitted with these actions will be used to ensure that the requirements of the Magnuson-Stevens Act are met.

## II. Method of Collection

Information is submitted on paper documents.

## III. Data

OMB Control Number: 0648-0314.

Form Number: None.

Type of Review: Regular submission.

Affected Public: State, local or tribal government.

Estimated Number of Respondents: 275.

Estimated Time Per Response: 1 hour to designate a principal state fishery official(s); 80 hours for a nomination for a Council appointment; 16 hours for background documentation for nominees; and 1 hour for a request to reinstate state authority.

Estimated Total Annual Burden Hours: 4,607.

Estimated Total Annual Cost to Public: \$800 (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: January 6, 2008.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN 0648-XM61

#### Marine Mammals; File No. 1128-1922

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

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

**SUMMARY:** Notice is hereby given that Eduardo Mercado III, Ph.D., Department of Psychology, 350 Park Hall, University at Buffalo, SUNY, Buffalo, New York, 14260, has been issued a permit to conduct research on humpback whales (*Megaptera novaeangliae*).

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

Permits, Conservation and Education Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713-2289; fax (301)427-2521 and Southeast Region, NMFS, 263 13th Avenue South, Saint Petersburg, Florida 33701; phone (727)824-5312; fax (727)824-5309.

#### FOR FURTHER INFORMATION CONTACT:

Amy Hapeman or Carrie Hubbard, (301)713-2289.

**SUPPLEMENTARY INFORMATION:** On August 21, 2007, notice was published in the **Federal Register** (72 FR 46610) that a request for a scientific research permit to take humpback whales, had been submitted by the above-named individual. 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.*), 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.*), the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222-226).

Dr. Mercado is authorized a five-year scientific research permit to conduct acoustic playback sessions in the

presence of humpback whales and approach animals to record whale songs in the coastal waters of Puerto Rico. The purpose of this research is to develop methods for testing the hearing and auditory perceptual capabilities of humpback whales in order to better predict when anthropogenic sounds may interfere with social behaviors, particularly mating and group feeding. Up to 200 humpback whales may be harassed by playback experiments (active acoustics) three times per year and up to 30 additional humpbacks may be harassed by close approach during vessel surveys for passive acoustic recordings annually. In addition, up to 5 humpback whales, 45 Stenellid dolphins (*Stenella* spp.), 45 common dolphins (*Delphinus delphis*), 45 bottlenose dolphins (*Tursiops truncatus*), and 5 Cuvier's beaked whales (*Ziphius cavirostris*) may be incidentally harassed up to three times annually during playback sessions.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an environmental assessment was prepared analyzing the effects of the permitted activities. After a Finding of No Significant Impact, the determination was made that it was not necessary to prepare an environmental impact statement.

Issuance of this permit, 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 species; and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: January 2, 2009.

P. Michael Payne,

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

RIN: 0648-XM57

#### Pacific Fishery Management Council; Public Meeting

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The Pacific Fishery Management Council's (Council) Groundfish Allocation Committee