surveys; disturbance of animals on rookeries and haulouts during brand resighting surveys, and incidental to scat collection; capture for instrument attachment, branding, capture method development, physiological research, and sample collection; permanent marking of pups for long-term demographic and distribution studies; capture of older animals for physiological assessment; and attachment of scientific instruments to investigate foraging ecology, diving behavior and habitat use. The permit also authorizes unintentional mortality of Steller sea lions, and incidental harassment of harbor seals (*Phoca vitulina richardsi*), northern fur seals (*Callorhinus ursinus*), and California sea lions (*Zalophus californianus*). The permit was amended (to version no. 14325–01) on November 16, 2011, to change the identity of the Principal Investigator from Dr. Lorrie Rea to Michael Rehberg.

The permit holder is requesting the permit be amended to include changes to the terms and conditions of the permit related to numbers of animals taken and to the location and manner of taking to include: manual restraint of pups in the eastern Distinct Population Segment (eDPS) and western DPS (wDPS); capture of adult Steller sea lions using remotely delivered immobilization agents; adding jugular blood draw/catheter location for sampling and Evans Blue injection; adding the intraperitoneal cavity to allowable deuterium injection sites; modifying time of year and number of takes for the Alsek/Akwe aerial surveys; and adding aerial surveys at Cape Newenham haulout and in the northern Bering Sea.

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 activities proposed are consistent with the Preferred Alternative in the Final Programmatic Environmental Impact Statement for Steller Sea Lion and Northern Fur Seal Research (NMFS 2007), and that issuance of the permit would not have a significant adverse impact on the human environment.

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

Dated: April 27, 2012.

Tammy C. Adams,

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

[FR Doc. 2012–10629 Filed 5–1–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB068

Availability of Report: California Eelgrass Mitigation Policy; Extension of Comment Period

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

ACTION: Notice of availability; request for comments.

SUMMARY: NMFS is announcing an extension in the public comment period for the notice to allow other agencies and the public an opportunity to review and provide comments on the proposed adoption of the California Eelgrass Mitigation Policy (CEMP) by NMFS Southwest Region (SWR) Habitat Conservation Division (HCD). NMFS published the CEMP, which included a request for comment in the **Federal Register** on March 9, 2012. The public comment period was to end on May 8, 2012—60 days after publication in the **Federal Register**. The purpose of this document is to extend the comment period an additional 60 days until July 7, 2012. This extension of the comment period is provided to allow the public additional time to provide comment on the CEMP. The intent of the CEMP is to help ensure consistent and effective mitigation of unavoidable impacts to eelgrass habitat throughout the SWR. The CEMP is a unified policy document for SWR–HCD, based on the highly successful implementation of the Southern California Eelgrass Mitigation Policy, which has improved mitigation effectiveness since its initial adoption in 1991. This policy is needed to ensure effective, statewide eelgrass mitigation and will help ensure that unavoidable impacts to eelgrass habitat are fully and appropriately mitigated. It is anticipated that the adoption and implementation of this policy will provide for enhanced success of eelgrass mitigation in California. Given the success of the Southern California Eelgrass Mitigation Policy, the California Eelgrass Mitigation Policy reflects an expansion of the application of this policy with minor modifications to ensure a high standard of statewide eelgrass management and protection. The CEMP will supersede the Southern California Eelgrass Mitigation Policy for all areas of California upon its adoption.

DATES: Public comments must be received on or before 5 p.m., Pacific standard time July 7, 2012. All comments received before the due date will be considered before finalizing the CEMP.

ADDRESSES: Comments on the CEMP may be submitted by mail to the National Marine Fisheries Service, 777 Sonoma Avenue, Suite 325, Santa Rosa, CA 95409, Attn: California Eelgrass Mitigation Policy Comments. Comments may also be sent via facsimile to (707) 578–3435. Comments may also be submitted electronically via email to *SWR.CEMP@noaa.gov.* All comments received will become part of the public record and will be available for review upon request.

The reports are available at *http://swr.nmfs.noaa.gov/hcd/* or by calling the contact person listed below or by sending a request to *Korie.Schaeffer@noaa.gov.* Please include appropriate contact information when requesting the documents.

FOR FURTHER INFORMATION CONTACT: Korie Schaeffer, at 707–575–6087.

SUPPLEMENTARY INFORMATION: Eelgrass species are seagrasses that occur in the temperate unconsolidated substrate of shallow coastal environments, enclosed bays, and estuaries. Seagrass habitat has been lost from temperate estuaries worldwide (Duarte 2002, Lotze *et al.* 2006, Orth *et al.* 2006). While both natural and human-induced mechanisms have contributed to these losses, impacts from human population expansion and associated pollution and upland development is the primary cause (Short and Wyllie-Echeverria 1996). Throughout California, human activities including, but not limited to, urban development, recreational boating, and commercial shipping continue to degrade, disturb, and/or destroy important eelgrass habitat. For example, dredging and filling; shading and alteration of circulation patterns; and watershed inputs of sediment, nutrients, and unnaturally concentrated or directed freshwater flows can directly and indirectly destroy eelgrass habitats. The importance of eelgrass both ecologically and economically, coupled with ongoing human pressure and potentially increasing degradation and loss from climate change, highlights the need to protect, maintain, and where feasible, enhance eelgrass habitat.

Vegetated shallows that support eelgrass are considered a special aquatic site under the 404(b)(1) guidelines of the Clean Water Act (40 CFR 230.43). Pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (MSA), eelgrass is designated as Essential Fish Habitat (EFH) for various federally-managed fish species within the Pacific Coast Groundfish and Pacific Coast Salmon Fisheries Management Plans (FMP) (PFMC 2008). Eelgrass is also considered a habitat area of particular concern (HAPC) for various species within the Pacific Coast Groundfish FMP. An HAPC is a subset of EFH; these areas are rare, particularly susceptible to human-induced degradation, especially ecologically important, and/or located in an environmentally stressed area.

The mission of NMFS SWR–HCD is to conserve, protect, and manage living marine resources and the habitats that sustain them. Eelgrass is a habitat of particular concern relative to accomplishing this mission. Pursuant to the EFH provisions of the MSA, the Fish and Wildlife Coordination Act (FWCA), and obligations under the National Environmental Policy Act (NEPA) as a responsible agency, NMFS Southwest Region annually reviews and provides recommendations on numerous actions that may affect eelgrass resources throughout California, the only state within NMFS SWR that supports eelgrass resources. Section 305(b)(1)(D) of the MSA requires NMFS to coordinate with, and provide information to, other Federal agencies regarding the conservation and enhancement of EFH. Section 305(b)(2) requires all Federal agencies to consult with the NMFS on all actions or proposed actions authorized, funded, or undertaken by the agency that may adversely affect EFH. Under section 305(b)(4) of the MSA, NMFS is required to provide EFH Conservation Recommendations to Federal and state agencies for actions that would adversely affect EFH (50 CFR 600.925). NMFS makes its recommendations with the goal of avoiding, minimizing, or otherwise compensating for adverse effects to EFH. When impacts to NMFS trust resources are unavoidable, NMFS may recommend compensatory mitigation to offset those impacts. In order to fulfill its consultative role, NMFS may also recommend, *inter alia,* the development of mitigation plans, habitat distribution maps, surveys and survey reports, progress milestones, monitoring programs, and reports verifying the completion of mitigation activities.

Eelgrass warrants a strong protection strategy because of the important biological, physical, and economic values it provides, as well as its importance to managed species under the MSA. NMFS developed this policy to establish and support a goal of protecting this resource and its functions, including spatial coverage and density of eelgrass beds. Further, it is the intent of this policy to ensure that there is no net loss of habitat functions associated with delays in establishing compensatory mitigation. This is to be accomplished by creating a greater amount of eelgrass than is lost, if the mitigation is performed contemporaneously or after the impacts occur.

This policy will serve as the guidance for staff and managers within NMFS SWR for developing recommendations concerning eelgrass issues through EFH and FWCA consultations and NEPA reviews throughout California. It is also contemplated that this policy inform SWR's position on eelgrass issues in other roles as a responsible, advisory, or funding agency or trustee. In addition, this document provides guidance on the procedures developed to assist NMFS SWR in performing its consultative role under the statutes described above. Finally, pursuant to NMFS obligation to provide information to federal agencies under section 305(b)(1)(D) of the MSA, this policy serves that role by providing information intended to further the conservation and enhancement of EFH. Should this policy be inconsistent with any formally-promulgated NMFS regulations, those formally-promulgated regulations will supplant any inconsistent provisions of this policy.

While many of the activities impacting eelgrass are similar across California, eelgrass stressors and growth characteristics differ between southern California (U.S./Mexico border to Pt. Conception), central California (Point Conception to San Francisco Bay entrance), San Francisco Bay, and northern California (San Francisco Bay to the California/Oregon border). The amount of scientific information available to base management decisions on also differs among areas within California, with considerably more information and history with eelgrass habitat management in southern California than the other regions. Gaps in region-specific scientific information do not override the need to be protective of all eelgrass while relying on the best information currently available from areas within and outside of California. Although the primary orientation of this policy is toward statewide use, specific elements of this policy may differ between southern California, central California, northern California and San Francisco Bay.

This policy is consistent with NMFS support for developing comprehensive resource protection strategies that are protective of eelgrass resources within the context of broader ecosystem needs and management objectives. As such, this policy provides for the modified application of policy elements for plans that provide comparable eelgrass resource protection.

For all of California, eelgrass compensatory mitigation should be considered only after avoidance and minimization of effects to eelgrass have been pursued to the fullest extent possible. Mitigation should be recommended for the loss of existing vegetated areas and the loss of unvegetated areas that have been demonstrated capable of supporting eelgrass based on recent history of eelgrass investigations, unless physical manipulation of the environment has permanently altered site suitability for eelgrass or a change in the baseline has occurred.

Under this policy, as is the case with the present Southern California Eelgrass Mitigation Policy, the burden for successful mitigation rests with the action party. As such, the action party should fully consider and evaluate the costs and risks associated with eelgrass mitigation and should take appropriate measures to ensure success in achieving required performance milestones. While NMFS staff can provide technical assistance, action parties are advised that they are ultimately responsible for achieving mitigation success under this policy, irrespective of advice or technical assistance provided by NMFS, other agencies, or technical experts.

Reason for Granting an Extension

NMFS received a request for an extension of the CEMP comment period from an interested party, and has determined that an extension of the comment period for an additional 60 days would give the public adequate time to provide meaningful comment on the CEMP. However, this need must be balanced with our desire to finalize the policy in a timely manner. Accordingly, the public comment period for the CEMP published on March 9, 2012 (77 FR 14349) is extended until July 7, 2012. NMFS does not anticipate any further extension of the comment period at this time.

Authority

The authorities for publication of this policy notification are the Magnuson-Stevens Fishery Conservation and

Management Act (16 U.S.C. 1855), the Fish and Wildlife Coordination Act (16 U.S.C. 661), and the National Environmental Policy Act (42 U.S.C. 4321).

Dated: April 27, 2012.

Brian T. Pawlak,

Acting Director, Office of Habitat Conservation, National Marine Fisheries Service.

[FR Doc. 2012–10626 Filed 5–1–12; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648–XB105

Takes of Marine Mammals Incidental to Specified Activities; Three Marine Geophysical Surveys in the Northeast Pacific Ocean, June Through July 2012

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

ACTION: Notice; proposed incidental harassment authorization; request for comments.

SUMMARY: We have received an application from the Lamont-Doherty Earth Observatory, a part of Columbia University, for an Incidental Harassment Authorization to take marine mammals, by harassment, incidental to conducting three consecutive marine geophysical surveys in the northeast Pacific Ocean, June through July 2012.

DATES: Comments and information must be received no later than May 31, 2012.

ADDRESSES: Comments on the application should be addressed to Tammy C. Adams, Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910–3225. The mailbox address for providing email comments is *ITP.Cody@noaa.gov.* We are not responsible for email comments sent to addresses other than the one provided here. Comments sent via email, including all attachments, must not exceed a 10-megabyte file size.

All submitted comments are a part of the public record and we will post to *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications* without change. All Personal Identifying Information (for example, name, address, etc.) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

To obtain an electronic copy of the application containing a list of the references used in this document, write to the previously mentioned address, telephone the contact listed here (see **FOR FURTHER INFORMATION CONTACT**), or visit the Internet at: *http://www.nmfs.noaa.gov/pr/permits/incidental.htm#applications*.

The National Science Foundation's (Foundation) draft Environmental Assessment (Assessment) pursuant to the National Environmental Policy Act of 1969 and Executive Order 12114 is also available at the same Internet address. The Assessment incorporates an ''Environmental Assessment of a marine geophysical survey by the R/V *Marcus G. Langseth* in the northeastern Pacific Ocean, June–July 2012,'' prepared by LGL Limited environmental research associates, on behalf of the Foundation. The public can view documents cited in this notice by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Jeannine Cody or Howard Goldstein, National Marine Fisheries Service, Office of Protected Resources, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

Section 101(a)(5)(D) of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) directs the Secretary of Commerce to authorize, upon request, the incidental, but not intentional, taking of small numbers of marine mammals of a species or population stock, by United States citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if: (1) We make certain findings; (2) the taking is limited to harassment; and (3) we provide a notice of a proposed authorization to the public for review.

We shall grant authorization for the incidental taking of small numbers of marine mammals if we find that the taking will have a negligible impact on the species or stock(s), and will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant). The authorization must set forth the permissible methods of taking; other means of effecting the least practicable adverse impact on the species or stock and its habitat; and requirements pertaining to the mitigation, monitoring and reporting of such takings. We have 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 Marine Mammal Protection Act established an expedited process by which citizens of the United States can apply for an authorization to incidentally take small numbers of marine mammals by harassment. Section 101(a)(5)(D) of the Act establishes a 45-day time limit for our review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of small numbers of marine mammals. Within 45 days of the close of the public comment period, we must either issue or deny the authorization and must publish a notice in the **Federal Register** within 30 days of our determination to issue or deny the authorization.

Except with respect to certain activities not pertinent here, the Marine Mammal Protection Act 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].

Summary of Request

We received an application on January 27, 2012, from the Lamont-Doherty Earth Observatory (Observatory) for the taking by harassment, of small numbers of marine mammals, incidental to conducting three separate marine geophysical surveys in the northeast Pacific Ocean. We determined the application complete and adequate on March 27, 2012.

The Observatory, with research funding from the U.S. National Science Foundation (Foundation), plans to conduct three research studies on the Juan de Fuca Plate, the Cascadia thrust zone, and the Cascadia subduction margin in waters off the Oregon and Washington coasts. The Observatory has proposed to conduct the first survey from June 11 through July 5, 2012, the second survey from July 5 through July 8, 2012, and the third survey from July 12 through July 23, 2012.

The Observatory plans to use one source vessel, the R/V *Marcus G. Langseth* (*Langseth*), a seismic airgun array, a single hydrophone streamer, and ocean bottom seismometers to conduct the geophysical surveys.