

Central Valley steelhead, juvenile Central Valley spring-run Chinook salmon, juvenile Sacramento River winter-run Chinook salmon, and juvenile Southern Distinct Population Segment North American green sturgeon associated with research activities at two different sites in the upper Sacramento River. Application 14808 was previous noticed in the **Federal Register** (75 FR 14134) with a 30 day comment period from March 24, 2010, to April 23, 2010. No comments were received for this application, however due to substantial changes to the sampling locations and the amount take NMFS decided to publish the revised notice for public comment. In the studies described below, researchers do not expect to kill any natural origin listed fish but a small number, up to two percent, may die as an unintended result of the research activities. A sub-sample of hatchery produced winter-run Chinook salmon (up to 40 per day) may experience intentional (directed) mortality and be retained by CDFG for coded wire tag retrieval and reading.

Monitoring efforts are conducted in order to compile information on timing, composition (species/race), and relative abundance of emigrating juvenile Chinook salmon and Central Valley steelhead from the upper Sacramento River system into the Sacramento-San Joaquin Delta. This information provides an early warning of salmonid movement into the Delta, enabling the implementation of adaptive management practices to protect juveniles as they enter and pass through the Delta.

Sampling will occur through the use of paired 8-foot rotary screw traps at two different sites along the upper Sacramento River. The first site, located near the town of Knights Landing (river mile (RM) 88.5) will be sampled beginning in October and continue through June of the following year. Traps will be fished continuously and checked once every 24 hours unless conditions warrant more frequent sampling. Captured salmonids will be: Anesthetized, handled (including fork length and wet weight measurements), allowed to recover, and released back into the river with the exception of up to 40 adipose fin clipped Chinook salmon that will be retained for coded wire tag processing. Sampling at Tisdale Weir (RM 120) will follow the same methods as described above, however sampling will occur year round from January through December.

#### Permit 13791

The U.S. Fish and Wildlife Service (USFWS) is requesting a 3-year

scientific research and enhancement permit to take juvenile California Central Valley steelhead, juvenile Central Valley spring-run Chinook salmon, juvenile Sacramento River winter-run Chinook salmon, and juvenile Southern Distinct Population Segment North American green sturgeon associated with research activities at monitoring sites in the Sacramento River basin and the Sacramento-San Joaquin Delta. Application 13791 was previously noticed in the **Federal Register** (73 FR 70622) with a 30-day comment period from November 21, 2008, to December 22, 2008. No comments were received for this application, however due to substantial changes in the sampling procedures and the amount take NMFS decided to publish the revised notice for public comment. In the studies described below, researchers do not expect to kill any natural origin listed fish but a small number, up to three percent, may die as an unintended result of the research activities. All hatchery origin Chinook salmon with clipped adipose fins are assumed to be implanted with a coded wire tag. In order to retrieve and read these tags, all adipose fin clipped Chinook salmon captured during sampling will be sacrificed and retained for processing.

The Stockton Fish and Wildlife Office's Delta Juvenile Fish Monitoring Program (DJFMP) monitors the abundance, temporal and spatial distribution, and survival of juvenile salmonids and other fishes occurring within the lower Sacramento and San Joaquin Rivers and the San Francisco Estuary. The Breach III Project documents the occurrence and habitat use of ESA-listed fishes within Liberty Island, a tidally influenced freshwater marsh currently undergoing passive restoration, located within the San Francisco Estuary. The fish monitoring data collected by the DJFMP and the Breach III Project are intended to provide basic biological and population information on fishes of management concern, including the ESA listed winter- and spring-run Chinook salmon and Central Valley steelhead. Further, data can be used by natural resource managers to evaluate the effectiveness of water operations, aquatic habitat restoration, and fish management practices within the San Francisco Estuary and its watershed. As a result, take of ESA listed salmonids will likely occur while sampling using a variety of methodologies (e.g. fyke nets, multi-mesh gill nets, larval fish trawls, mid-water trawls, Kodiak trawls, and beach seines). Captured fish will be identified

to species or race, measured for fork length to the nearest millimeter, and released back into the sampled location. Scale samples will also be taken from a sub-sample of natural origin Chinook salmon to assist the University of California, Davis with their genetic research in the Yolo Bypass.

Dated: April 19, 2012.

**Angela Somma,**

*Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XA929**

#### Marine Mammals; Photography Permit File No. 17032

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

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

**SUMMARY:** Notice is hereby given that a permit has been issued to Shane Moore, Moore & Moore Films, Box 2980, 1203 Melody Creek Lane, Jackson, WY 83001 to conduct commercial/educational photography in Alaska.

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

Permits and Conservation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301) 427-8401; fax (301) 713-0376; and

Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802-1668; phone (907) 586-7221; fax (907) 586-7249.

**FOR FURTHER INFORMATION CONTACT:** Carrie Hubard or Joselyd Garcia-Reyes, (301) 427-8401.

**SUPPLEMENTARY INFORMATION:** On January 13, 2012, notice was published in the **Federal Register** (77 FR 2037) that a request for a permit for commercial/educational photography had been submitted by the above-named applicant. 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.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

Permit No. 17032 authorizes Mr. Moore to film gray (*Eschrichtius robustus*) and killer (*Orcinus orca*) whales in the eastern Aleutian Islands, primarily near Ikatan Bay and along the Ikatan Peninsula on the south side of Unimak Island, Alaska. The purpose of the project is to document killer whales hunting gray whales migrating through False Pass and Unimak Pass and to record the behavior of marine animals in the presence of a gray whale carcass. Filming will occur between April and June of each year. A maximum of 35 killer whales and 10 gray whales could be closely approached annually. Footage will be obtained from vessel-mounted cameras, a polecam that may be submerged next to the boat, and, as the opportunity arises, from a remotely operated video camera in an underwater housing placed on the sea floor near a gray whale carcass. Footage will be used for a television program about predators and the challenges they face. The permit will expire on April 15, 2017.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), a final determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Dated: April 18, 2012.

**Tammy C. Adams,**

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

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marine mammals during estuary management activities conducted at the mouth of the Russian River, Sonoma County, California.

**DATES:** This authorization is effective for the period of one year, from April 21, 2012, through April 20, 2013.

**ADDRESSES:** A copy of the IHA and related documents are available by writing to Tammy Adams, Acting Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910.

A copy of the application containing a list of the references used in this document may be obtained by writing to the address specified above, telephoning the contact listed below (see **FOR FURTHER INFORMATION CONTACT**), or visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Supplemental documents provided by SCWA may also be found at the same address: Report of Activities and Monitoring Results (July 2009 to December 2011); Russian River Estuary Outlet Channel Adaptive Management Plan; and Feasibility of Alternatives to the Goat Rock State Beach Jetty for Managing Lagoon Water Surface Elevations—A Study Plan. NMFS' Environmental Assessment (2010) and associated Finding of No Significant Impact, prepared pursuant to the National Environmental Policy Act, are available at the same site. Documents cited in this notice, including NMFS' Biological Opinion (2008) on the effects of Russian River management activities on salmonids, may also be viewed, by appointment, during regular business hours, at the aforementioned address.

**FOR FURTHER INFORMATION CONTACT:** Ben Laws, Office of Protected Resources, NMFS, (301) 427-8401.

#### **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 published in the **Federal Register** to provide public notice and initiate a 30-day comment period.

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 other means of effecting the least practicable adverse impact (i.e., mitigation) and requirements pertaining to 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, adversely affect the species or stock through effects on annual rates of recruitment or survival."

Section 101(a)(5)(D) of the MMPA 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 Level B harassment as defined below. Section 101(a)(5)(D) establishes a 45-day time limit for NMFS review of an application followed by a 30-day public notice and comment period on any proposed authorizations for the incidental harassment of marine mammals. Within 45 days of the close of the comment period, NMFS must either issue or deny the authorization. If authorized, the IHA would be effective for one year from date of issuance.

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]."

##### **Summary of Request**

NMFS received an application on January 27, 2012, from SCWA for issuance of an IHA for the taking, by Level B harassment only, of marine mammals incidental to ongoing activities conducted in management of the Russian River estuary in Sonoma County, California. SCWA was first issued an IHA, valid for a period of one year, on April 1, 2010 (75 FR 17382), and was subsequently issued a second IHA for incidental take associated with the same activities on April 21, 2011 (76 FR 23306). Management activities include management of a naturally-

## **DEPARTMENT OF COMMERCE**

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

**RIN 0648-XB132**

#### **Takes of Marine Mammals Incidental to Specified Activities; Russian River Estuary Management Activities**

**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 the Sonoma County Water Agency (SCWA) to incidentally harass, by Level B harassment only, three species of