

**SUPPLEMENTARY INFORMATION:**

The Atlantic States Marine Fisheries Commission (Commission) developed Addendum XXVIII to the Summer Flounder, Scup, and Black Sea Bass Interstate Fishery Management Plan (ISFMP) to specify 2017 recreational management measures (*i.e.*, regional conservation equivalency) for summer flounder, which is currently experiencing overfishing. Addendum XXVIII, which was adopted by the Commission in February 2017, retained management regions, consistent with those established in 2016: (1) Massachusetts; (2) Rhode Island; (3) Connecticut and New York; (4) New Jersey; (5) Delaware, Maryland, and Virginia; and (6) North Carolina. To provide the maximum amount of flexibility and to continue to adequately address the state-by-state differences in fish availability, each state in a region is required by the Commission to establish identical management measures (*i.e.*, fishing season length, minimum size, and possession limit). Addendum XXVIII requires each state or region, with the exception of North Carolina, to increase the summer flounder minimum size in 2017 by 1 inch (2.5 cm) relative to the 2016 size limit. The 2017 measures also reduce the bag limit for most of the states and regions, while the season length remains the same as in 2016.

These measures were designed to constrain coastwide catch of summer flounder to within the 2017 recreational harvest limit. For New Jersey, Addendum XXVIII requires the following measures:

- *Shore mode for Island Beach State Park only*: 17-inch (43.2-cm) minimum size limit, 2-fish possession limit, and 128-day open season.
- *Delaware Bay only (west of the COLERG line)*: 18-inch (45.7-cm) minimum size limit, 3-fish possession limit, and 128-day open season.
- *All other marine waters (east of the COLERG line)*: 19-inch (48.3-cm) minimum size limit, 3-fish possession limit, and 128-day open season.

The Commission required New Jersey to implement these measures in state waters by May 25, 2017. Instead, New Jersey implemented size limits that are one-inch lower in each area described in the bullets above and instituted a season of 104 days. The bag limits remain the same as those required under the addendum. On June 1, 2017, the Commission found the State of New Jersey out of compliance for not fully and effectively implementing and enforcing the Addendum XXVIII measures. The Commission notified

NMFS of its non-compliance finding by letter on June 12, 2017.

Federal response to a Commission non-compliance referral is governed by the Atlantic Coastal Fisheries Cooperative Management Act (Atlantic Coastal Act). Under the Atlantic Coastal Act, the Secretary of Commerce must make two findings within 30 days after receiving the non-compliance referral. First, the Secretary must determine whether the state in question (in this case, New Jersey) has failed to carry out its responsibilities under the ISFMP. Second, the Secretary must determine whether the measures that the State has failed to implement or enforce are necessary for the conservation of the fishery in question (in this case, summer flounder). If NMFS determines that New Jersey has failed to carry out its responsibilities under the ISFMP, and if the measures it failed to implement are necessary for conservation, then, according to the Atlantic Coastal Act, NMFS must declare a moratorium on summer flounder fishing in New Jersey waters. Further, the moratorium must become effective within six months of the date of the Secretary's non-compliance determination. If New Jersey is found out of compliance by NMFS and later implements Addendum XXVIII measures, the Atlantic Coastal Act allows the state to petition the Commission that it has come back into compliance. If the Commission concurs that New Jersey has come into compliance, the Commission will notify the Secretary. If the Secretary concurs, the moratorium will be withdrawn.

NMFS has notified New Jersey, the Commission, and the Mid-Atlantic Fishery Management Council in separate letters, of its receipt of the Commission's non-compliance referral. NMFS solicits comments from the Commission and Council to the extent either is interested in providing comments on the non-compliance referral. NMFS also indicated to New Jersey that it is entitled to meet with and present its comments directly to NMFS, if so desired.

NMFS intends to make its non-compliance determination, including supporting rationale, on or about July 11, 2017, which is 30 days after receipt of the Commission's non-compliance referral. NMFS will announce its determination by **Federal Register** notice immediately thereafter. To the extent that NMFS makes an affirmative non-compliance finding, NMFS will announce the effective date of the moratorium in that **Federal Register** notice.

**Authority:** 16 U.S.C. 1801 *et seq.*

Dated: June 19, 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-XF464**

**Nominations to the Marine Mammal Scientific Review Groups**

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

**ACTION:** Notice; request for nominations.

**SUMMARY:** As required by section 117(d) of the Marine Mammal Protection Act (MMPA), the Secretary of Commerce established three independent regional scientific review groups (SRGs) to provide advice on a range of marine mammal science and management issues. NMFS has conducted a membership review of the Alaska, Atlantic, and Pacific SRGs, and is soliciting nominations for new members to fill vacancies and gaps in expertise.

**DATES:** Nominations must be received by July 24, 2017.

**ADDRESSES:** Nominations can be emailed to [Shannon.Bettridge@noaa.gov](mailto:Shannon.Bettridge@noaa.gov), or mailed to: Marine Mammal and Sea Turtle Conservation Division, Office of Protected Resources, National Marine Fisheries Service, 1315 East-West Highway, Silver Spring, MD 20910-3226, Attn: SRGs.

**FOR FURTHER INFORMATION CONTACT:** Shannon Bettridge, Office of Protected Resources, 301-427-8402, [Shannon.Bettridge@noaa.gov](mailto:Shannon.Bettridge@noaa.gov). Information about the SRGs, including the SRG Terms of Reference, is available at <http://www.nmfs.noaa.gov/pr/sars/group.htm>.

**SUPPLEMENTARY INFORMATION:**

Section 117(d) of the MMPA (16 U.S.C. 1386(d)) directs the Secretary of Commerce to establish three independent regional SRGs to advise the Secretary (authority delegated to NMFS). The Alaska SRG advises on marine mammals that occur in waters off Alaska that are under the jurisdiction of the United States. The Pacific SRG advises on marine mammals that occur in waters off the U.S. West Coast, Hawaiian Islands, and the U.S. Territories in the Central and Western Pacific that are under the jurisdiction of

the United States. The Atlantic SRG advises on marine mammals that occur in waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean that are under the jurisdiction of the United States.

SRGs members are highly qualified individuals with expertise in marine mammal biology and ecology, population dynamics and modeling, commercial fishing technology and practices, and stocks taken under section 101(b) of the MMPA. The SRGs provide expert reviews of draft marine mammal stock assessment reports and other information related to the matters identified in section 117(d)(1) of the MMPA, including:

A. Population estimates and the population status and trends of marine mammal stocks;

B. Uncertainties and research needed regarding stock separation, abundance, or trends, and factors affecting the distribution, size, or productivity of the stock;

C. Uncertainties and research needed regarding the species, number, ages, gender, and reproductive status of marine mammals;

D. Research needed to identify modifications in fishing gear and practices likely to reduce the incidental mortality and serious injury of marine mammals in commercial fishing operations;

E. The actual, expected, or potential impacts of habitat destruction, including marine pollution and natural environmental change, on specific marine mammal species or stocks, and for strategic stocks, appropriate conservation or management measures to alleviate any such impacts; and

F. Any other issue which the Secretary or the groups consider appropriate.

SRG members collectively serve as independent advisors to NMFS and the U.S. Fish and Wildlife Service and provide their expert review and recommendations through participation in the SRG. Members attend annual meetings and undertake activities as independent persons providing expertise in their subject areas. Members are not appointed as representatives of professional organizations or particular stakeholder groups, including government entities, and are not permitted to represent or advocate for those organizations, groups, or entities during SRG meetings, discussions, and deliberations.

SRG membership is voluntary, and, except for reimbursable travel and related expenses, service is without pay. The term of service for SRG members is three years, and members may serve up

to three consecutive terms if reappointed.

NMFS annually reviews the expertise available on the SRG and identifies gaps in the expertise that is needed to provide advice pursuant to section 117(d) of the MMPA. In conducting the reviews, NMFS attempts to achieve, to the maximum extent practicable, a balanced representation of viewpoints among the individuals on each SRG.

#### Expertise Sought

For the Atlantic SRG (including waters off the Atlantic coast, Gulf of Mexico, and U.S. Territories in the Caribbean), NMFS seeks individuals with expertise in one or more of the following areas: Fishing gear and practices, particularly for fisheries in the U.S. mid-Atlantic and southeast (trap/pot and gillnet fisheries), Gulf of Mexico (shrimp trawl fishery), and maritime Canada; quantitative ecology, modeling, population dynamics, statistics, and/or biometry; species-habitat associations; conservation; and Gulf of Mexico oceanic marine mammal species.

For the Pacific SRG (including waters off the Pacific coast, Hawaiian Islands and the U.S. Territories in the Central and Western Pacific), NMFS seeks individuals with expertise in one or more of the following areas: Quantitative ecology, population dynamics, modeling, and statistics; abundance estimation, especially distance sampling and mark-recapture methods and survey design; passive acoustics; oceanography; West Coast fishing gear/techniques; large whales, particularly with regard to entanglement issues; pinnipeds; and sea otters.

For the Alaska SRG, NMFS seeks individuals with expertise in one or more of the following areas, in order of priority: The Alaska commercial fishing industry and commercial fishery methods/gear, particularly fisheries with marine mammal bycatch and/or ecological interactions; pinnipeds; quantitative ecology, population dynamics, modeling, and statistics; abundance estimation, especially distance sampling and mark-recapture methods and survey design; and acoustics. Knowledge of the MMPA and processing of marine mammal stock assessments would be helpful but not essential.

#### Submitting a Nomination

Nominations for new members should be sent to Dr. Shannon Bettridge in the NMFS Office of Protected Resources (see **ADDRESSES**) and must be received by July 24, 2017. Nominations should be accompanied by the individual's

curriculum vitae and detailed information regarding how the recommended person meets the minimum selection criteria for SRG members (see below). Nominations should also include the nominee's name, address, telephone number, and email address. Self-nominations are acceptable.

#### Selection Criteria

Although the MMPA does not explicitly prohibit Federal employees from serving as SRG members, NMFS interprets MMPA section 117(d)'s reference to the SRGs as "independent" bodies that are exempt from Federal Advisory Committee Act requirements to mean that SRGs are intended to augment existing Federal expertise and are not composed of Federal employees or contractors. Therefore, NMFS will not consider any nominee who is currently a Federal employee or a full-time contractor supporting a Federal agency.

When reviewing nominations, NMFS, in consultation with the U.S. Fish and Wildlife Service, will consider the following six criteria:

- (1) Ability to make time available for the purposes of the SRG;
- (2) Knowledge of the species (or closely related species) of marine mammals in the SRG's region;
- (3) Scientific or technical achievement in a relevant discipline, particularly the areas of expertise identified above, to be considered an expert peer reviewer for the topic;
- (4) Demonstrated experience working effectively on teams;
- (5) Expertise relevant to current and expected needs of the SRG, in particular, expertise required to provide adequate review and knowledgeable feedback on current or developing stock assessment issues, techniques, etc. In practice, this means that each member should have expertise in more than one topic as the species and scientific issues discussed in SRG meetings are diverse; and
- (6) No conflict of interest with respect to their duties as a member of the SRG.

#### Next Steps

Following review, nominees who are identified by NMFS as potential new members must be vetted and cleared in accordance with Department of Commerce policy. NMFS will contact these individuals and ask them to provide written confirmation that they are not registered Federal lobbyists or registered foreign agents, and to complete a confidential financial disclosure form, which will be reviewed by the Ethics Law and Programs

Division within the U.S. Department of Commerce's Office of General Counsel. All nominees will be notified of a selection decision in advance of the 2018 SRG meetings.

Dated: June 16, 2017.

**Donna S. Wieting,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Coral Reef Conservation Program

**AGENCY:** Coral Reef Conservation Program, Office for Coastal Management, National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

**ACTION:** Notice of public meeting, notice of public comment.

**SUMMARY:** Notice is hereby given of a public meeting of the U.S. Coral Reef Task Force (USCRTF). The meeting will be held Thursday, August 11, 2017, at 9:00 a.m. at the Harbor Beach Marriott Hotel, 3030 Holiday Dr, Fort Lauderdale, FL 33316, in the Caribbean Salon I-IV meeting room. The meeting provides a forum for coordinated planning and action among federal agencies, state and territorial governments, and nongovernmental partners.

Registration is requested for all events associated with the meeting. This meeting has time allotted for public comment. All public comments must be submitted in written format. A written summary of the meeting will be posted on the USCRTF Web site within two months of occurrence. For information about the meeting, registering and submitting public comments, go to <http://www.coralreef.gov>.

Commenters may address the meeting, the role of the USCRTF, or general coral reef conservation issues. Before including your address, phone number, email address, or other personal identifying information in your comments, you should be aware that your entire comment, including personal identifying information may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Established by Presidential Executive Order 13089 in 1998, the U.S. Coral Reef Task Force mission is to lead, coordinate and strengthen U.S. government actions to better preserve and protect coral reef ecosystems. Co-chaired by the Departments of Commerce and Interior, Task Force members include leaders of 12 federal agencies, seven U.S. states and territories and three freely associated states.

#### FOR FURTHER INFORMATION CONTACT:

Jennifer Koss, NOAA USCRTF Steering Committee Point of Contact, NOAA Coral Reef Conservation Program, 1305 East-West Highway, N/OCRM, Silver Spring, MD 20910 at 240-533-0777 or Liza Johnson, USCRTF Executive Secretary, U.S. Department of the Interior, MS-3530-MIB, 1849 C Street NW., Washington, DC 20240 at (202) 208-5004 or visit the USCRTF Web site at <http://www.coralreef.gov>

Dated: June 15, 2017.

**Christopher Cartwright,**

*Chief Financial Officer, National Ocean Service, National Oceanic and Atmospheric Administration.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

**RIN 0648-XF482**

#### Taking and Importing of Marine Mammals

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

**ACTION:** Notice; five-year affirmative finding for Peru.

**SUMMARY:** The NMFS Assistant Administrator (Assistant Administrator) has issued a five-year affirmative finding for the Government of Peru under the Marine Mammal Protection Act (MMPA). This affirmative finding will allow yellowfin tuna and yellowfin tuna products harvested in the eastern tropical Pacific Ocean (ETP) in compliance with the Agreement on the International Dolphin Conservation Program (AIDCP) by Peruvian-flagged purse seine vessels or purse seine vessels operating under Peruvian jurisdiction to be imported into the United States. The affirmative finding determination was based on reviews of documentary evidence submitted by the Government of Peru and by information

obtained from the Inter-American Tropical Tuna Commission (IATTC).

**DATES:** This affirmative finding is effective for the five-year period of April 1, 2017, through March 31, 2022.

#### FOR FURTHER INFORMATION CONTACT:

Justin Greenman, West Coast Region, National Marine Fisheries Service, 501 W. Ocean Blvd., Suite 4200, Long Beach, CA 90802. Phone: 562-980-3264. Email: [justin.greenman@noaa.gov](mailto:justin.greenman@noaa.gov).

**SUPPLEMENTARY INFORMATION:** The MMPA, 16 U.S.C. 1361 *et seq.*, allows for importation into the United States of yellowfin tuna harvested by purse seine vessels in the ETP under certain conditions. If requested by the harvesting nation, the Assistant Administrator will determine whether to make an affirmative finding based upon documentary evidence provided by the government of the harvesting nation, the IATTC, or the Department of State.

The affirmative finding process requires that the harvesting nation is meeting its obligations under the AIDCP and its obligations of membership in the IATTC. Every five years, the government of the harvesting nation must request a new affirmative finding and submit the required documentary evidence directly to the Assistant Administrator. On an annual basis, NMFS reviews the affirmative finding and determines whether the harvesting nation continues to meet the requirements. A nation may provide information related to compliance with AIDCP and IATTC measures directly to NMFS on an annual basis or may authorize the IATTC to release the information to NMFS to annually renew an affirmative finding determination without an application from the harvesting nation.

An affirmative finding will be terminated, in consultation with the Secretary of State, if the Assistant Administrator determines that the requirements of 50 CFR 216.24(f) are no longer being met or that a nation is consistently failing to take enforcement actions on violations, thereby diminishing the effectiveness of the AIDCP.

As a part of the affirmative finding process set forth in 50 CFR 216.24(f)(8), the Assistant Administrator considered documentary evidence submitted by the Government of Peru and obtained from the IATTC and has determined that Peru have met the MMPA's requirements to receive an affirmative finding.

After consultation with the Department of State, the Assistant Administrator issued a five-year affirmative finding to Peru, allowing the importation into the United States of