

LEAP/LEC will review the Council's Action Schedule and the status of regulatory actions that have been submitted to NMFS for implementation. The LEAP/LEC will also consider changes to recommendations for the timing of Federal Fishery Closures, and potential impacts of Exempted Fishing Permits being issued during closed seasons, such as for fishing tournaments. Finally, the LEAP/LEC will also consider approval of recently completed Strategic and Operations Plans, and review the state's Joint Enforcement Agreements.

The Law Enforcement Advisory Panel consists of principal law enforcement officers in each of the Gulf States, as well as the National Oceanic and Atmospheric Administration (NOAA) Law Enforcement, U.S. Fish and Wildlife Service (FWS), the U.S. Coast Guard, and the NOAA General Counsel for Law Enforcement. A copy of the agenda and related materials can be obtained by calling the Council office at (813) 348-1630.

Although other non-emergency issues not on the agendas may come before the Law Enforcement Advisory Panel for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during this meeting. Actions of the Law Enforcement Advisory Panel will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations

The meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kathy Pereira at the Council office (see **ADDRESSES**) 5 working days prior to the meeting.

Dated: September 25, 2012.

Tracey L. Thompson,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC261

Western Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings and hearings.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold meetings of its 111th Scientific and Statistical Committee (SSC), Executive and Budget Standing Committee, and 155th Council to take actions on fishery management issues in the Western Pacific Region.

DATES: The meetings will be held from Wednesday, October 24th through Thursday, November 1, 2012. For specific dates, times and agendas, see

SUPPLEMENTARY INFORMATION.

ADDRESSES: The 111th SSC and Executive and Budget Standing Committee meetings will be held at the Council office, 1164 Bishop Street, Honolulu, HI 96813; telephone: (808) 522-8220. The 155th Council meeting will be held at the Laniakea YWCA-Fuller Hall, 1040 Richards Street, Honolulu, HI 96813; telephone: (808) 538-7061. The Fishers Forum will be held at the Harbor View Center, 1129 North Nimitz Hwy (Pier 38), Honolulu, HI 96817; telephone: (808) 983-1200.

FOR FURTHER INFORMATION CONTACT:

Kitty M. Simonds, Executive Director; telephone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: The SSC will meet on October 24-26, 2012, between 8:30 a.m. and 5 p.m.; the Council's Executive and Budget Standing Committee will meet on October 29, 2012, between 10 a.m. and 12 noon; the 155th Council will meet on October 29-November 1, 2012. The 155th Council meeting will be held between 2 p.m. and 5 p.m. on October 29, 2012, between 8:30 a.m. and 5 p.m. on October 30, 2012, between 8:30 a.m. and 5:30 p.m. on October 31, 2012, and between 8:30 a.m. and 12 noon on November 1, 2012. A Fishers Forum will be held in association with the 155th Council Meeting between 6 p.m. and 9 p.m. on October 30, 2012. All meetings will be held in Honolulu, HI.

In addition to the agenda items listed here, the SSC and Council will hear recommendations from Council advisory groups. Public comment

periods will be provided throughout the agendas. The order in which agenda items are addressed may change. The meetings will run as late as necessary to complete scheduled business.

Schedule and Agenda for 111th SSC Meeting

8:30 a.m.-5 p.m., Wednesday, October 24, 2012

1. Introductions.
2. Approval of Draft Agenda and Assignment of Rapporteurs.
3. Status of the 110th SSC Meeting Recommendations.
4. Report from the Pacific Islands Fisheries Science Center Director.
5. Program Planning.
 - A. NMFS Science Plan & Prioritization Exercise.
 - B. Public Comment.
 - C. SSC Discussion and Recommendations.
6. Insular Fisheries.
 - A. Action Items.
 1. Options for Acceptable Biological Catch.
 - a. American Samoa, Guam, Commonwealth of the Northern Mariana Islands (CNMI).
 - i. Bottomfish Management Unit Species (P-star Analysis).
 - ii. Crustaceans.
 - iii. Precious Corals.
 - b. Hawaii.
 - i. Non Deep 7 Bottomfish.
 - ii. Crustaceans.
 - iii. Precious Corals.
 2. Alternatives for the Moratorium on Gold Coral Fishery.
 - B. Bottomfish Fishery.
 1. Cooperative Research Bottomfish Tagging Projects in Hawaii.
 2. Preliminary Results of Acoustic Tagging of Bottomfish.
 - C. Public Comment.
 - D. SSC Discussion and Recommendations.

8:30 a.m.-5 p.m., Thursday, October 25, 2012

7. Pelagic Fisheries.
 - A. Status of Opah Caught by the Hawaii-based Pelagic Longline Fishery.
 - B. International Seafood Sustainability Foundation (ISSF) Research.
 - C. Tracking the Changes of Economic Performance Indicators for the Main Commercial Fisheries in the Western Pacific Areas.
 - D. Levels Of Observer Coverage In The Shallow Set Swordfish Fishery.
 - E. American Samoa and Hawaii Longline Quarterly Reports.
 - F. International Fisheries Meetings.
 1. Eighth Meeting of Western and Central Pacific Fisheries Commission (WCPFC) Scientific Committee (SC 8).

G. Public Comment.
H. SSC Discussion and Recommendations.

8. Protected Species.

A. Update on Endangered Species Act (ESA) and Marine Mammal Protection Act (MMPA) Actions.

1. 90-day Finding on the Petition to Delist the Hawaiian Green Turtle.

B. Draft 2012 Marine Mammal Stock Assessment Reports and New Abundance Estimates for False Killer Whales.

C. Public Comment.

D. SSC Discussion and Recommendations.

8:30 a.m.–5 p.m., Friday, October 26, 2012

9. Other Business.

A. 112th SSC Meeting.

10. Summary of SSC

Recommendations to the Council.

10 a.m.–12 Noon, Monday, October 29, 2012

Executive and Budget Standing Committee Meeting.

Schedule and Agenda for 155th Council Meeting

2 p.m.–5 p.m. Monday, October 29, 2012

1. Welcome and Introductions.

2. Approval of the 155th Agenda.

3. Approval of the 154th Meeting Minutes.

4. Executive Director's Report.

5. Agency Reports.

A. National Marine Fisheries Service.

1. Pacific Islands Regional Office.

2. Pacific Islands Fisheries Science

Center (PIFSC).

B. NOAA Office of General Counsel

(OCG), Pacific Islands Report.

C. NOAA National Ocean Service.

D. U.S. Fish and Wildlife Service.

E. Enforcement.

1. U.S. Coast Guard
2. NMFS Office for Law Enforcement.

3. NOAA General Counsel for Enforcement and Litigation.

F. Public Comment.

G. Council Discussion and Action.

8:30 a.m.–5 p.m., Tuesday, October 30, 2012

6. Program Planning and Research.

A. Recommendations on Moratorium for Gold Coral (Action Item).

B. PIFSC Science Plan and Prioritization.

C. Pacific Island Recreational (Non-Commercial) Fishing Summit.

D. Education and Outreach.

1. Report on First Stewart's Meeting.

a. Video Flyover.

2. Third Managing Our Nations Fisheries Conference (MONF3).

3. Other Activities.

E. SSC Recommendations.

F. Public Hearing.

G. Council Discussion and Action.

7. Protected Species.

A. Update on ESA and MMPA

Actions.

1. General Update on ESA and MMPA Actions.

2. Honu (Hawaiian Green Sea Turtle)

Petition 90-Day Finding.

B. Main Hawaiian Islands Monk Seal Management Plan.

C. Draft 2012 Marine Mammal Stock Assessment Reports and New Abundance Estimates for False Killer Whales.

D. SSC Recommendations.

E. Public Comment.

F. Council Discussion and Action.

8. American Samoa Archipelago.

A. Motu Lipoti.

B. Fono Report.

C. Enforcement Issues.

D. Community Activities and Issues.

1. Update on Community Fisheries Development.

E. Annual Catch Limits (Action Item).

1. Bottomfish Management Unit

Species (P-star Analysis).

2. Crustaceans (Spiny Lobster and Slipper Lobster).

3. Precious Corals.

F. Education and Outreach Initiatives.

G. SSC Recommendations.

H. Public Hearing.

I. Council Discussion and Action.

9. Marianas Archipelago.

A. Island Reports.

1. Arongo Flaeey.

2. Isla Informe.

B. Legislative Report.

1. CNMI.

2. Guam.

C. Enforcement Issues.

1. CNMI.

2. Guam.

D. Status of Guam Indigenous Fishing Rights PL 29–127.

E. Annual Catch Limits (Action Item).

1. Bottomfish Management Unit Species (P-star Analysis).

2. Crustaceans (Spiny Lobster and Slipper Lobster).

3. Precious Corals.

F. Community Activities and Issues.

G. Education and Outreach Initiatives.

H. SSC Recommendations.

I. Public Hearing.

J. Council Discussion and Action.

6 p.m.–9 p.m., Tuesday October 30, 2012

Fishers Forum: Tuna, Tuna, Tuna

8:30 a.m.–5:30 p.m., Wednesday, October 31, 2012

10. Pelagic & International Fisheries.

A. American Samoa and Hawaii Longline Quarterly Reports.

B. International Fisheries Meetings.

1. Western Central Pacific Fishery

Commission (WCPFC) Science Committee.

2. WCPFC Northern Committee.

3. WCPFC Technical and Compliance Committee (TCC).

4. North Pacific Regional Fishery

Management Organization (NP RFMO).

5. WCPFC Permanent Advisory Committee.

C. SSC Discussion and Recommendations.

D. Public Comment.

E. Council Discussion and Action.

11. Hawaii Archipelago and Pacific Remote Island Areas.

A. Moku Pepa.

B. Department of Land and Natural Resources (DLNR) Admin Report/Update.

C. Enforcement.

D. Annual Catch Limits (ACLs) (Action Item).

1. Non Deep 7 Bottomfish.

2. Crustaceans (Spiny Lobster, Slipper Lobster and Kona Crab).

3. Precious Corals.

E. Bottomfish Fishery.

1. Cooperative Research Bottomfish

Tagging Projects in Hawaii.

2. Preliminary Results on Acoustic

Tagging of Bottomfish.

F. Update on Hawaiian Island

Humpback Whale Sanctuary Review.

G. Community Projects, Activities and Issues.

1. Status of Aha Moku Legislation.

2. Report on Aha Moku Projects.

H. Education and Outreach Activities.

1. Hawaii Summer High School

Course.

2. Community Meetings on ACLs and

MMPA.

3. Other Hawaii Outreach Activities.

I. SSC Recommendations.

J. Public Hearing.

K. Council Discussion and Action.

12. Public Comment on Non-Agenda

Items.

8:30 a.m.–12 Noon Thursday, November 1, 2012

13. Administrative Matters.

A. Council Member Ethics and Rules of Conduct Training.

B. Financial Reports.

C. Administrative Reports.

D. Freedom of Information Act

(FOIAs) Requests.

E. Council Family Changes.

1. SSC.

F. Meetings and Workshops.

G. Approval of Standard Operating Practices and Procedures (SOPP).

H. Department of Commerce/Office of Inspector General Review of the Fishery

Management Rule Making Process.

I. Other Business.

J. Standing Committee Recommendations.

K. Public Comment.

L. Council Discussion and Action.

14. Election of Officers.

15. Other Business.

Non-emergency issues not contained in this agenda may come before the Council for discussion and formal Council action during its 155th meeting. However, Council action on regulatory issues will be restricted to those issues specifically listed in this document and any regulatory issue arising after publication of this document that requires emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

Special Accommodations.

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Kitty M. Simonds, (808) 522-8220 (voice) or (808) 522-8226 (fax), at least 5 days prior to the meeting date.

Authority: 1801 *et seq.*

Dated: September 25, 2012.

Tracey L. Thompson,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

RIN 0648-XC018

Takes of Marine Mammals Incidental to Specified Activities; Pile Driving for Honolulu Seawater Air Conditioning Project

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 Marine Mammal Protection Act (MMPA) implementing regulations, notification is hereby given that NMFS has issued an Incidental Harassment

Authorization (IHA) to Honolulu Seawater Air Conditioning, LLC (HSWAC), allowing the take of small numbers of marine mammals, by Level B harassment, incidental to pile driving during construction of a sea water air conditioning project.

DATES: Effective October 1, 2012, through September 30, 2013.

ADDRESSES: A copy of the IHA, application, and Environmental Assessment are available by visiting the Internet at: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>. Documents cited in this notice may also be viewed, by appointment, during regular business hours, at the aforementioned address.

FOR FURTHER INFORMATION CONTACT: Michelle Magliocca, 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 specific 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.

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" 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 harassment. Section 101(a)(5)(D) further established

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.

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

On April 16, 2012, NMFS received an application from HSWAC requesting an IHA for the take, by Level B harassment, of small numbers of 19 marine mammal species incidental to pile driving activities offshore Honolulu, Hawaii. In accordance with the MMPA and implementing regulations, NMFS issued a notice in the **Federal Register** on July 24, 2012 (77 FR 43259), requesting comments from the public on a proposed IHA.

Description of the Specified Activity

A complete description of the specified activity may be found in NMFS' proposed IHA notice in the **Federal Register** (77 FR 43259, July 24, 2012) and a summary is provided here. HSWAC will construct a district cooling system for commercial and residential properties in Honolulu, consisting of an offshore seawater intake pipe, an offshore seawater discharge pipe, a land-based pump station, and a land-based chilled water distribution system. HSWAC will drive steel sheet piles and cylindrical steel piles as part of construction. Only pile driving activities are expected to result in incidental harassment of marine mammals. A summary of the pile driving activities are provided in Table 1 below. Further details regarding installation of the pipelines are provided in HSWAC's IHA application here: <http://www.nmfs.noaa.gov/pr/permits/incidental.htm>.