

the public of our intention to conduct detailed planning on this refuge.

## Background

### The CCP Process

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose of developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing to the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

Each unit of the NWRS was established for specific purposes. We use these purposes as the foundation for developing and prioritizing the management goals and objectives for each refuge within the NWRS, and to determine how the public can use each refuge. The planning process is a way for us and the public to evaluate management goals and objectives that will ensure the best possible approach to wildlife, plant, and habitat conservation, while providing for wildlife-dependent recreation opportunities that are compatible with each refuge's establishing purposes and the mission of the NWRS.

Our CCP process provides participation opportunities for Federal, Tribal, State, and local governments, agencies, organizations, and the public. Throughout the process, we will have formal comment periods and hold public meetings to gather comments, issues, concerns, ideas, and suggestions for the future management of Plum Tree Island NWR. You may also send comments during the planning process by mail, email, or fax (see **ADDRESSES**).

We will conduct the environmental review of this project and develop an EA in accordance with the requirements of the National Environmental Policy Act of 1969, as amended (NEPA) (42 U.S.C. 4321 *et seq.*); NEPA regulations (40 CFR parts 1500–1508); other

appropriate Federal laws and regulations; and our policies and procedures for compliance with those laws and regulations.

### Plum Tree Island National Wildlife Refuge

Plum Tree Island NWR is one of four refuges that comprise the Eastern Virginia Rivers NWR Complex. The 3,502-acre refuge is located along the Atlantic Flyway in the city of Poquoson, VA. It was established in 1972 to conserve wetlands and important migratory bird habitat in the lower Chesapeake Bay. The refuge's salt marsh, scrub-shrub, and forest habitats support a variety of native wildlife species, including waterfowl, marshbirds, and shorebirds. The refuge's beaches are also home to the federally threatened northeastern beach tiger beetle (*Cicindela dorsalis dorsalis*).

The U.S. Department of Defense previously administered the refuge lands and used all but the refuge's 200-acre Cow Island Tract as a gunnery and bombing range. Extensive unexploded ordnance remains on the refuge, posing serious safety concerns. Most of the refuge is closed to public access. The only public use offered is an annual, permit-only, waterfowl hunt on the Cow Island Tract.

### Scoping: Preliminary Issues, Concerns, and Opportunities

We have identified several preliminary issues, concerns, and opportunities that we intend to address in the CCP. These include the following:

- Unexploded ordnance on the refuge and its implications for refuge management and public access;
- The potential for climate change to impact refuge resources;
- The potential for land acquisition and conservation easements within the existing, approved boundary;
- Opportunities to collaborate with partner organizations for off-refuge interpretation and education programming.

We expect that members of the public, our conservation partners and Federal, State, Tribal, and local governments may identify additional issues during public scoping.

### Public Meetings

During the planning process, we will hold public meetings for individuals, organizations, and agencies to provide comments, issues, concerns, and suggestions about refuge management. When we schedule formal comment periods and public meeting(s), we will announce them in the **Federal Register**, local news media, and on our refuge

planning Web site at [http://www.fws.gov/northeast/plumtreeisland/refuge\\_planning.html](http://www.fws.gov/northeast/plumtreeisland/refuge_planning.html).

You can also obtain the schedule from the planning team leader or project leader (see **FOR FURTHER INFORMATION CONTACT**).

### Public Availability of Comments

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your 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.

Dated: December 5, 2011.

**Salvatore M. Amato,**

*Acting Regional Director, Northeast Region, U.S. Fish and Wildlife Service.*

[FR Doc. 2012–293 Filed 1–9–12; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R1–MB–2011–N256;  
FXMB1231010000P2–123–FF01M01000]

### Special Purpose Permit Application; Draft Environmental Assessment; Hawaii-Based Shallow-Set Longline Fishery

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** We, the Fish and Wildlife Service, have received an application under the Migratory Bird Treaty Act of 1918, as amended (MBTA), from the Pacific Islands Regional Office of the National Marine Fisheries Service (NMFS), Department of Commerce, for a permit for the incidental take of migratory birds in the operation of the Hawaii-based shallow-set longline fishery that targets swordfish (*Xiphias gladius*). If issued, the permit would be the first of its kind under our Special Purpose permitting regulations. We invite public comment on the draft environmental assessment (DEA), which evaluates alternatives associated with this permit application.

**DATES:** To ensure consideration, please send your written comments by February 9, 2012.

**ADDRESSES:** You may download a copy of the DEA on the Internet at <http://>

[www.fws.gov/pacific/migratorybirds/nepa.html](http://www.fws.gov/pacific/migratorybirds/nepa.html). Alternatively, you may use one of the methods below to request a hard copy or a CD-ROM. Please specify the “DEA for the NMFS MBTA Permit” on all correspondence.

**Submitting Comments:** You may submit comments or requests for copies or more information by one of the following methods.

- **Email:** [pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov). Include “DEA for the NMFS MBTA Permit” in the subject line of the message.

- **U.S. Mail:** Please address written comments to Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, Pacific Region, U.S. Fish and Wildlife Service, 911 NE 11th Ave., Portland, OR 97232.

- **Fax:** Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, (503) 231-2019; Attn.: DEA for the NMFS MBTA Permit.

**FOR FURTHER INFORMATION CONTACT:**

Michael Green, Acting Chief, Division of Migratory Birds and Habitat Programs, Pacific Region, U.S. Fish and Wildlife Service, (503) 231-2019 (phone); [pacific\\_birds@fws.gov](mailto:pacific_birds@fws.gov) (email, include “DEA for the NMFS MBTA Permit” in the subject line of the message). If you use a telecommunications device for the deaf (TDD), please call the Federal Information Relay Service (FIRS) at (800) 877-8339.

**SUPPLEMENTARY INFORMATION:**

**Introduction**

The U.S. Fish and Wildlife Service (Service) has received an application from NMFS for a special purpose permit under the Migratory Bird Treaty Act of 1918 (16 U.S.C. 703-711) (MBTA). The permit, if issued, would authorize incidental take of migratory birds, principally two species of albatross, by NMFS in its regulation of the shallow-set longline fishery based in Hawaii. This fishery targets swordfish and operates on the high seas and within the United States Exclusive Economic Zone (EEZ). The migratory birds incidentally taken in the fishery are predominantly Laysan and Black-footed Albatross (*Phoebastria immutabilis* and *P. nigripes*). One individual each of Sooty Shearwater (*Puffinus griseus*) and Northern Fulmar (*Fulmarus glacialis*) have been reported taken in the fishery. The endangered Short-tailed Albatross (*Phoebastria albatrus*) occurs in the area where the fishery operates and has been observed from Hawaii-based longline fishing vessels, but no take of this species has been reported. Consultation under section 7(a)(2) of the Endangered Species Act is in progress to

assess the impacts of this fishery on the Short-tailed Albatross.

The Draft Environmental Assessment (DEA) analyzes the alternatives associated with this permit application in light of our permitting regulations in the Code of Federal Regulations (CFR) in 50 CFR 21.27 under the MBTA. If we issue the permit at issue in this environmental assessment, it will be the first permit under these regulations issued to authorize incidental take of migratory birds by an agency regulating a commercial, non-conservation activity.

**Background**

Regulations under the MBTA allow the Service to issue permits to take migratory birds for various reasons, such as depredation and scientific collecting. One of those regulations, 50 CFR 21.27, allows the Service to issue special purpose permits in circumstances not addressed by specific permit regulations. An application for a special purpose permit must meet the general permitting conditions set forth in 50 CFR 13 and make a “sufficient showing” of:

- Benefit to the migratory bird resources,
- Important research reasons,
- Reasons of human concern for individual birds, or
- Other compelling justification.

We will issue a special purpose permit only if we determine that the take is compatible with the conservation intent of the MBTA. Standard conditions for permit issuance include those described in 50 CFR 13.21(e) and 21.27(c).

The Hawaii-based longline fishery that targets swordfish is a pelagic or open-ocean fishery that began in the late-1980s and has since been managed under the Fishery Management Plan for the Pelagic Fisheries of the Western Pacific Region. Shallow-set longlining consists of deploying a mainline 18 to 60 nautical miles in length with floats at 360-meter (m) intervals. The mainline depth is 25 to 75 m. About four branchlines, 10 to 20 m in length, with baited hooks and artificial light sticks to attract swordfish, are suspended between floats, for a total of approximately 700 to 1,000 hooks per deployment. The line is deployed, or “set,” after sunset, left in the water overnight, and retrieved, or “hauled,” in the morning. Seabirds, as well as sea turtles and other non-target species, can be killed or injured during either deployment or retrieval of the lines, when they are unintentionally hooked or entangled in fishing gear.

The shallow-set sector of the Hawaii-based longline fishery operates under NMFS regulations requiring the use of measures to avoid and minimize the injury and death of seabirds (67 FR 34408, 69 FR 17329, 70 FR 75075). These regulations were in place when the fishery was reopened in 2004 following a court-ordered closure in 2001 that addressed concerns about endangered sea turtles. Between 2004 and 2010, the fishery has taken (killed or injured) an estimated total of 332 Laysan and 118 Black-footed albatrosses, an annual average of roughly 55 and 20 birds of each species, respectively. These levels of take are expected to continue, and are not thought to pose a risk of population-level impacts or change in conservation status for either species.

The Pacific Islands Regional Office of NMFS manages and regulates this fishery under the Fishery Management Plan, which was developed by the Western Pacific Regional Fishery Management Council and approved by the Secretary of Commerce, in accordance with the Magnuson-Stevens Act (16 U.S.C. 1801 *et seq.*) (MSA). Under the MSA, Fishery Councils are vested with the authority to propose amendments to Fishery Management Plans. NMFS may approve or partially approve proposed amendments; approvals are codified as Federal regulations. In 2010, regulations went into effect to implement an amendment that removed the restriction on fishing effort (annual number of sets) in this fishery that had been in place since 2004. Because fishing effort never reached the limit that has now been removed, and effort is increasing only slowly, NMFS anticipates that total effort in the fishery will not increase substantially between 2011 and 2014, the period that would be covered by a permit under the MBTA.

**Applicant's Proposal**

NMFS proposes to continue operation of the shallow-set fishery under current regulations that require the use of measures to avoid and minimize take of migratory birds. In addition to continued implementation of these regulations, NMFS proposes to analyze the high proportion of the total observed take in this fishery that occurs as injured birds. Specifically, NMFS would examine the role of untended or “lazy” lines, offal discards, and other practices in making hooks and gear available to seabirds and possibly attracting and habituating seabirds to longline vessels, especially during gear retrieval. The results of these assessments would be reported to the Service, and reports

would include any new information that could further reduce the take of seabirds in the fishery or point to research needed to achieve reduction. If new analyses and qualitative assessments lead to identification of means to reduce take of migratory birds, NMFS would develop these remedies so that they could be incorporated into NMFS regulatory processes in a timely fashion. If new information does not lead to modified or new practices that could reduce take of migratory birds in the fishery, NMFS would develop study plans for needed research and/or a proposal or proposals to offset the unavoidable take in the fishery in a manner that would not affect operation of the fishery. These additional activities were described in materials submitted as part of the permit application, and if we issue the permit after completion of the National Environmental Policy Act (NEPA) process, then these commitments would become conditions of the permit.

The Service independently evaluated the estimated total and average number, and the nominal rate, of seabirds taken in the fishery. This evaluation, in relation to the existing avoidance and minimization measures, proposed new activities, and potential offsetting conservation measures, is discussed in the DEA, along with the implications for direct, indirect, and cumulative effects under three alternatives.

#### Next Steps

The public process for the proposed Federal permit action will be completed after the public-comment period, at which time we will evaluate the permit application and comments submitted on the DEA and determine whether the application meets the permitting requirements under the MBTA and applicable regulations. Upon completion of that evaluation we will select our course of action among the three alternatives identified in the DEA. We then will either issue a final environmental assessment and a Finding of No Significant Impact or initiate the preparation of an Environmental Impact Statement.

#### Public Comments

We invite public comment on the DEA. You may submit comments by any one of the methods discussed above under **ADDRESSES**.

#### Public Availability of Comments

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 your

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.

#### Authority

We provide this notice under section 668a of the Act (16 U.S.C. 668–668c) and NEPA regulations (40 CFR 1506.6).

Dated: December 23, 2011.

#### Richard Hannan,

*Deputy Regional Director, Pacific Region, Portland, Oregon.*

[FR Doc. 2012–192 Filed 1–9–12; 8:45 am]

**BILLING CODE 4310–55–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–R5–R–2011–N221; BAC–4311–K9–S3]

#### Massasoit National Wildlife Refuge, Plymouth, MA

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of intent to prepare a comprehensive conservation plan and environmental assessment; request for comments.

**SUMMARY:** We, the U.S. Fish and Wildlife Service (Service), intend to prepare a comprehensive conservation plan (CCP) and environmental assessment (EA) for Massasoit National Wildlife Refuge (the refuge, NWR) in Plymouth, Massachusetts. We provide this notice in compliance with our CCP policy to advise other Federal and State agencies, Tribes, and the public of our intention to conduct detailed planning on this refuge.

**DATES:** We will announce opportunities for public input throughout the CCP process in the **Federal Register**, local news media, and on our refuge planning Web site at <http://www.fws.gov/northeast/planning/Eastern%20Mass%203/ccphome.html>.

**ADDRESSES:** Send your comments or requests for more information by any of the following methods.

*Email:* [northeastplanning@fws.gov](mailto:northeastplanning@fws.gov). Include “Massasoit CCP” in the subject line of the message.

*Fax:* Attn: Carl Melberg, (978) 443–2898.

*U.S. Mail:* Eastern Massachusetts National Wildlife Refuge Complex, U.S. Fish and Wildlife Service, 73 Weir Hill Road, Sudbury, MA 01776.

*In-Person Drop-off:* You may drop off comments during regular business hours at the address above.

**FOR FURTHER INFORMATION CONTACT:** Carl Melberg, Planning Team Leader, (978) 443–4661 extension 32 (telephone), or Libby Herland, Project Leader, (978) 443–4661 extension 11 (telephone), or [fw5rw\\_emnrw@fws.gov](mailto:fw5rw_emnrw@fws.gov) (email).

#### SUPPLEMENTARY INFORMATION:

#### Introduction

With this notice, we initiate our process for developing a CCP for Massasoit NWR, in Plymouth, Massachusetts. This notice complies with our CCP policy to advise other Federal and State agencies, Tribes, and the public of our intention to conduct detailed planning on this refuge.

#### Background

##### *The CCP Process*

The National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) (Administration Act), as amended by the National Wildlife Refuge System Improvement Act of 1997, requires us to develop a CCP for each national wildlife refuge. The purpose for developing a CCP is to provide refuge managers with a 15-year plan for achieving refuge purposes and contributing toward the mission of the National Wildlife Refuge System (NWRS), consistent with sound principles of fish and wildlife management and conservation, legal mandates, and our policies. In addition to outlining broad management direction on conserving wildlife and their habitats, CCPs identify wildlife-dependent recreational opportunities available to the public, including opportunities for hunting, fishing, wildlife observation and photography, and environmental education and interpretation. We will review and update the CCP at least every 15 years in accordance with the Administration Act.

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