

NMFS consulted extensively with the Councils and with CEQ over the course of several years, held public hearings and a public workshop as authorized by Congress, issued a proposed rule and received over 150,000 public comments that were carefully analyzed and considered, developed and implemented an internal NMFS Policy Directive on MSA NEPA procedures, and released the draft NAO supplement for public comment. During this process, the Councils and stakeholders expressed a broad range of views regarding what MSA section 304(i) required and what improvements to the process were needed. MSA section 304(i) did not change or eliminate any existing MSA or NEPA requirements, but required development of revised and updated NEPA procedures that conformed to the timelines for FMP review and approval and integrated applicable procedures. NMFS has carefully considered all input received to date and believes the final NAO supplement fully satisfies requirements as mandated by Congress under MSA section 304(i).

Comment 7. Compliance With NEPA, CEQ Regulations, and Other Guidance

Comment: Several comments suggested that the draft NAO supplement should include various NEPA requirements established by CEQ regulations, guidance or other sources, such as avoiding the use of stale documentation, addressing new information, considering an adequate scope of alternatives, and identifying when an EIS is required.

Response: NMFS is cognizant of the requirements of NEPA and the CEQ regulations, as well as other sources of Guidance such as CEQ's "Forty Most-Asked Questions." The intent of the final NAO supplement is not to reiterate existing guidance and requirements, but to clarify how NMFS and Councils can work together to effectively comply within the context of MSA management and regulatory requirements. In addition, the main body of NAO 216-6 provides additional guidance on the types of NEPA documentation and how to use them.

Comment 8. Requirement for Council Usage

Comment: The policy should require that the NEPA analysis must be completed prior to Council deliberations so that Councils can rely upon that analysis to inform their deliberations.

Response: NMFS and the Councils work cooperatively and collaboratively to address NEPA requirements for MSA

fishery management actions while continually assessing new information and emerging fishery conservation and management issues.

NMFS agrees that both the NEPA and MSA processes are enhanced by integrating NEPA into the Council process. The final NAO supplement encourages NMFS and the Councils to prepare and make available as much NEPA documentation as practicable (given timelines and resource needs) during the Council's development of its management recommendation. This approach recognizes that the Council-proposed alternative, and thus final development of the NEPA analysis, may not occur until after a Council takes final action on its management recommendation.

The final NAO supplement recognizes that there will be variations regarding the extent to which NEPA can be completed during council deliberations because of the need to take timely management action to address conservation and management needs as new information becomes available. To better integrate NEPA into the iterative and deliberative processes of the Councils while allowing enough flexibility so that the fishery management system can respond effectively in time-constrained situations and still comply with NEPA, the final NAO supplement identifies factors to consider and establishes a procedural nexus setting forth the minimum requirements for completeness in the Council process.

Dated: February 11, 2016.

Eileen Sobeck,

*Assistant Administrator for Fisheries,
National Marine Fisheries Service.*

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Western Pacific Fishery Management Council; Public Meeting

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

ACTION: Notice of a public meeting and hearing.

SUMMARY: The Western Pacific Fishery Management Council (Council) will hold a meeting of its Hawaii Archipelago Fishery Ecosystem Plan (FEP) Advisory Panel (AP) and American Samoa Archipelago FEP AP

Advisory Panel to discuss and make recommendations on fishery management issues in the Western Pacific Region.

DATES: The Hawaii Archipelago FEP AP will meet on Thursday, March 10, 2016, between 9 a.m. and 11 a.m. and the American Samoa Archipelago FEP AP will meet on Thursday, March 10, 2016, between 6 p.m. and 9 p.m. All times listed are local island times. For specific times and agendas, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: The Hawaii Archipelago FEP AP will meet at the Council Office, 1164 Bishop St., Suite 1400, Honolulu, HI 96813 and by teleconference. The teleconference will be conducted by telephone. The teleconference numbers are: U.S. toll-free: 1-888-482-3560 or International Access: +1 647 723-3959, and Access Code: 5228220. The American Samoa Archipelago FEP AP will meet at the Department of Commerce Market Conference Room, Fagatogo Village, American Samoa.

FOR FURTHER INFORMATION CONTACT: Kitty M. Simonds, Executive Director, Western Pacific Fishery Management Council; telephone: (808) 522-8220.

SUPPLEMENTARY INFORMATION: Public comment periods will be provided in the agenda. 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 the Hawaii Archipelago FEP AP Meeting

Thursday, March 10, 2016, 9 a.m.-11 a.m.

1. Welcome and Introductions
2. Outstanding Council Action Items
3. Council Issues
 - A. Council Program Review
 - B. Overview of Eastern Pacific Ocean Swordfish
 - C. FEP Review Modifications
4. Hawaii FEP Community Activities
6. Hawaii FEP AP Issues
 - A. Report of the Subpanels
 - i. Island Fisheries Subpanel
 - ii. Pelagic Fisheries Subpanel
 - iii. Ecosystems and Habitat Subpanel
 - iv. Indigenous Fishing Rights Subpanel
 - B. Other Issues
7. Public Comment
8. Discussion and Recommendations
9. Other Business

Schedule and Agenda for the American Samoa Archipelago FEP AP Meeting

Thursday, March 10, 2016, 9 a.m.-11 a.m.

1. Welcome and Introductions
2. Outstanding Council Action Items

3. Council Issues
 - A. Council Program Review
 - B. Overfishing of EPO Swordfish
 - C. FEP Review Modifications
4. American Samoa FEP Community Activities
5. American Samoa FEP AP Issues
 - A. Report of the Subpanels
 - i. Island Fisheries Subpanel
 - ii. Pelagic Fisheries Subpanel
 - iii. Ecosystems and Habitat Subpanel
 - iv. Indigenous Fishing Rights Subpanel
 - B. Other Issues
6. Public Comment
7. Discussion and Recommendations
8. Other Business

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

Dated: February 18, 2016.

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-XE441

Endangered and Threatened Species; Initiation of 5-Year Review for Indus River Dolphin

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

ACTION: Notice of initiation of 5-year review; request for information.

SUMMARY: We, NMFS, announce a 5-year review of the Indus River dolphin (*Platanista gangetica minor*) under the Endangered Species Act of 1973, as amended (ESA). The purpose of these reviews is to ensure that the listing classification of a species is accurate. The 5-year review will be based on the best scientific and commercial data available at the time of the review; therefore, we request submission of any such information on Indus River dolphins that has become available since their original listing as endangered in January 1991. Based on the results of

this 5-year review, we will make the requisite determination under the ESA.

DATES: To allow us adequate time to conduct this review, we must receive your information no later than May 23, 2016. However, we will continue to accept new information about any listed species at any time.

ADDRESSES: You may submit information on this document identified by NOAA-NMFS-2016-0016 by either of the following methods:

- **Electronic submission:** Submit all electronic public comments via the Federal e-Rulemaking Portal www.regulations.gov. To submit comments via the Federal e-Rulemaking Portal, first click the “submit a comment” icon, then enter NOAA-NMFS-2016-0016 in the keyword search. Locate the document you wish to comment on from the resulting list and click on the “Submit a Comment” icon on the right of that line.

- **Mail or hand-delivery:** Therese Conant, NMFS Office of Protected Resources, 1315 East-West Highway, Silver Spring, MD 20910.

Instructions: Comments must be submitted by one of the above methods to ensure that the comments are received, documented, and considered by NMFS. Comments sent by any other method, to any other address or individual, or received after the end of the comment period, may not be considered. All comments received are a part of the public record and will generally be posted for public viewing on www.regulations.gov without change. All personal identifying information (e.g., name, address, etc.) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. NMFS will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT:

Therese Conant, NMFS Office of Protected Resources, 301-427-8456.

SUPPLEMENTARY INFORMATION: Under the ESA, the U.S. Fish and Wildlife Service maintains a list of endangered and threatened wildlife and plant species at 50 CFR 17.11 (for animals and 17.12 (for plants). Section 4(c)(2)(A) of the ESA requires that we conduct a review of listed species at least once every five years. On the basis of such reviews under section 4(c)(2)(B), we determine whether or not any species should be delisted or reclassified from endangered to threatened or from threatened to endangered. Delisting a species must be supported by the best scientific and

commercial data available and only considered if such data substantiates that the species is neither endangered nor threatened for one or more of the following reasons: (1) The species is considered extinct; (2) the species is considered to be recovered; and/or (3) the original data available when the species was listed, or the interpretation of such data, were in error. Any change in Federal classification would require a separate rulemaking process. The regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing those species currently under active review. This notice announces our active review of the Indus River dolphin currently listed as endangered (56 FR 1463; January 14, 1991).

Background information on Indus River dolphins including the endangered listing is available on the NMFS Office of Protected Species Web site at: <http://www.fisheries.noaa.gov/pr/species/mammals/dolphins/indus-river-dolphin.html#documents>.

Determining if a Species Is Threatened or Endangered

Section 4(a)(1) of the ESA requires that we determine whether a species is endangered or threatened based on one or more of the five following factors: (1) The present or threatened destruction, modification, or curtailment of its habitat or range; (2) overutilization for commercial, recreational, scientific, or educational purposes; (3) disease or predation; (4) the inadequacy of existing regulatory mechanisms; or (5) other natural or manmade factors affecting its continued existence. Section 4(b) also requires that our determination be made on the basis of the best scientific and commercial data available after taking into account those efforts, if any, being made by any State or foreign nation, to protect such species.

Public Solicitation of New Information

To ensure that the 5-year review is complete and based on the best available scientific and commercial information, we are soliciting new information from the public, governmental agencies, Tribes, the scientific community, industry, environmental entities, and any other interested parties concerning the status of Indus River dolphins. The 5-year review considers the best scientific and commercial data and all new information that has become available since the listing determination or most recent status review. Categories of requested information include: (1) Species biology including, but not limited to, population trends,