

authorized 125 takes of harbor seal by Level A harassment. A description of the methods and inputs used to estimate take anticipated to occur and, ultimately, the take that was authorized is found in the previous documents referenced above. The methods of estimating take are identical to those used in the previous IHA, as is the density of marine mammals. NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and recent scientific literature, and determined that no new information affects our original analysis of impacts or take estimate under the original IHA and, in fact, the abundance estimates reported in the draft SARs did not change for any of the species for which take is authorized in this authorization.

We refer to the documents related to the previously issued IHA, which include the **Federal Register** notice of the issuance of the 2018 IHA for the Navy's construction work (83 FR 30406), the Navy's application, the **Federal Register** notice of the proposed IHA (83 FR 10689), and all associated references and documents.

#### Determinations

The Navy will conduct activities identical to those analyzed in the previous 2018 IHA. As described above, the number of authorized takes of the same species and stocks of marine mammals are identical to the numbers that were found to meet the negligible impact and small numbers standards and authorized under the 2018 IHA and no new information has emerged that would change those findings. The re-issued 2019 IHA includes identical required mitigation, monitoring, and reporting measures as the 2018 IHA, and there is no new information suggesting that our analysis or findings should change.

Based on the information contained here and in the referenced documents, NMFS has determined the following: (1) The required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; and (4) the Navy's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action.

#### National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our proposed action with respect to environmental consequences on the human environment.

Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. This action is consistent with categories of activities identified in CE B4 of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion.

#### Endangered Species Act (ESA)

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA: 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

However, no incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

#### Authorization

NMFS has issued an IHA to the Navy for in-water construction activities associated with the SPE project from July 16, 2020 through July 15, 2021. All previously described mitigation, monitoring, and reporting requirements from the 2018 IHA are incorporated.

Dated: June 26, 2019.

**Catherine Marzin,**

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

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#### DEPARTMENT OF COMMERCE

##### National Oceanic and Atmospheric Administration

RIN 0648-XF222

##### Fisheries of the Northeastern United States; Atlantic Herring Fishery; Management Strategy Evaluation Debrief; Request for Comments

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

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

**SUMMARY:** The New England Fishery Management Council (Council) seeks public comment on the Management Strategy Evaluation (MSE) process used to develop and analyze Acceptable Biological Catch (ABC) control rule alternatives in Amendment 8 to the Atlantic Herring Fishery Management Plan (FMP). The purpose of this notice is to announce the Council's intent to gather public comments on this topic.

**DATES:** Written and electronic scoping comments must be received on or before 8:00 a.m. EST on Friday, August 9, 2019.

**ADDRESSES:** Written comments may be sent by any of the following methods:

- Email to the following address: [comments@nefmc.org](mailto:comments@nefmc.org);
- Mail to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; or
- Fax to (978) 465-3116.

The invitation for public comment document is accessible electronically online at: <https://www.nefmc.org/library/management-strategy-evaluation-debrief-comment-now>.

Requests for copies of the invitation for public comment document and other information should be directed to Thomas A. Nies, Executive Director, New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950, telephone: (978) 465-0492.

**FOR FURTHER INFORMATION:** Thomas A. Nies, Executive Director, New England Fishery Management Council, (978) 465-0492.

#### SUPPLEMENTARY INFORMATION:

##### Background

The Management Strategy Evaluation used to develop Amendment 8 to the Atlantic Herring FMP was the first time this Council used MSE in decision-making. The Council is now taking a step back to debrief and identify the benefits and/or drawbacks of the MSE

process, as well as lessons learned. This debrief is intended to evaluate the process used to integrate MSE into Amendment 8 and will help inform future decisions on using MSE to manage Atlantic herring or for other purposes. The goals of the debrief are to: identify perceptions of the MSE process, identify pros and cons of the specific process used, identify lessons learned from the process, and inform future Council decisions on use of MSE for Atlantic herring management.

The Council conducted a Management Strategy Evaluation to help develop alternatives for an ABC control rule, or formula for setting catch limits. This MSE was intended to be a collaborative decision-making process, involving more public input and technical analysis earlier in the amendment development process than normal. An MSE involves modelling to determine potential outcomes of different management approaches, ABC control rules in this case. MSE can help evaluate tradeoffs among objectives and which control rules would most likely meet management goals.

The Council began working on Amendment 8 in 2015, conducting public scoping and setting the goals of this action. In January 2016, the Council decided to use MSE to help develop ABC control rule alternatives. MSEs typically take several years to finish and use invitation-only, small groups (15–25) of stakeholders to give input. The Council diverged from this norm for two reasons. First, the Council aimed to finish Amendment 8 in time to develop herring fishery catch limits for 2019–2021. Thus, this MSE had unusually constrained time limits. Second, the Council decided to have all points of stakeholder input (*e.g.*, workshops) completely open to the public, so the MSE process could mirror the open Council process as much as possible. Relative to other MSEs, the degree of stakeholder participation was rare, if not unique, at least for U.S. fisheries.

#### Public Comment

You may comment by submitting written comments to the Council (see **ADDRESSES**). While anyone may respond to this invitation for comment, the Council is particularly interested in understanding the viewpoints of those involved in the MSE (*e.g.*, attended an MSE workshop) and are invested in the future of herring management. You may address any aspect of the MSE but are encouraged to focus on the MSE as a decision-making process, rather than the technical aspects of the MSE or the outcomes of Amendment 8 (*e.g.*, the Council's preferred alternatives,

regulatory changes). Specifically, the Council is seeking input on:

- *Clarity of purpose and need* for using MSE in Amendment 8.
- *Sufficiency of general education* about MSE, how well MSE was understood (*e.g.*, models, role of stakeholder input) and any ideas for improving the education process (*e.g.*, more literature, online instructional webinars, in-person seminars)?
- *Utility of the six distinct phases of this MSE* (described above), whether some phases (or aspects of phases) more useful or successful than others and whether the time provided for each phase was enough.
- *Appropriateness of using open-invitation, public workshops* for this MSE and/or recommendations for other formats.
- *Utility of how MSE results were presented* in helping characterize the tradeoffs associated with various alternatives.
- *How well the Council integrated the MSE results and workshop input* in developing Amendment 8 alternatives.
- *Utility of the MSE in balancing tradeoffs* between objectives.
- *The benefits, if any, in using an MSE* for Amendment 8, and if the benefits outweigh the costs.
- *How this MSE process compared* to how else the Council could have developed and selected alternatives.

After the public comment period ends, the comments will be summarized, along with any Herring Plan Development Team (PDT) input and recommendations and discussed by the Herring Advisory Panel (AP) and Committee. The Council will be updated in September 2019. The PDT will draft a final report for discussion at the AP and Committee meetings in the fall, and the Council will likely receive a final report in December 2019. Public comment is important to the Council process. This is a key opportunity for you to give feedback on the Atlantic herring MSE. Your comments will help the Council evaluate this MSE and consider future MSEs.

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

Dated: June 28, 2019.

**Alan D. Risenhoover,**

*Director, Office of Sustainable Fisheries, National Marine Fisheries Service.*

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[0648–XR003]

#### Marine Mammals; File No. 22835

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

**ACTION:** Notice; receipt of application.

**SUMMARY:** Notice is hereby given that the Scripps Institute of Oceanography [Responsible Party: John Hildebrand, Ph.D.], University of California San Diego, 9500 Gilman Drive, La Jolla, CA 92093, has applied in due form for a permit to conduct research on 42 cetacean species, including endangered bowhead (*Balaena mysticetus*), blue (*Balaenoptera musculus*), fin (*Balaenoptera physalus*), sei (*Balaenoptera borealis*), Southern Resident killer (*Orcinus orca*), Hawaiian Islands Insular false killer (*Pseudorca crassidens*), humpback (*Megaptera novaeangliae*), North Pacific right (*Eubalaena japonica*), North Atlantic right (*Eubalaena glacialis*), sperm (*Physeter macrocephalus*), and Gulf of Mexico Bryde's (*Balaenoptera edeni*) whales.

**DATES:** Written, telefaxed, or email comments must be received on or before August 2, 2019.

**ADDRESSES:** The application and related documents are available for review by selecting "Records Open for Public Comment" from the "Features" box on the Applications and Permits for Protected Species (APPS) home page, <https://apps.nmfs.noaa.gov>, and then selecting File No. 22835 from the list of available applications.

These documents are also available upon written request or by appointment in the 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.

Written comments on this application should be submitted to the Chief, Permits and Conservation Division, at the address listed above. Comments may also be submitted by facsimile to (301) 713–0376, or by email to [NMFS.Pr1Comments@noaa.gov](mailto:NMFS.Pr1Comments@noaa.gov). Please include the File No. in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request to the Chief, Permits and Conservation Division at the address listed above. The request should set forth the specific