

## Determinations

NMFS has determined that the action under this Renewal includes a subset of activities that are identical to the previous IHA. NMFS found that the previous IHA would have a negligible impact and that authorized take would be small relative to the population size. No changes in marine mammal information, potential effects, estimated take, abundance estimates and the mitigation and monitoring have occurred. Therefore, NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis 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; (4) CDFW'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, and; (5) appropriate monitoring and reporting requirements are included.

## 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 evaluate our proposed action (*i.e.*, the promulgation of regulations and subsequent issuance of incidental take authorization) and alternatives with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 of the Companion Manual for NAO 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. Accordingly, NMFS has determined that the proposed action qualifies to be categorically excluded from further NEPA review.

## Endangered Species Act

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.

No incidental take of ESA-listed species is proposed for authorization or expected to result from this activity in the Elkhorn Slough Reserve. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

## Renewal

NMFS has issued a Renewal IHA to CDFW for the take of harbor seals incidental to the continuation of Phase II of the Elkhorn Slough Tidal Marsh Restoration Project in Minhoto-Bay Area located in Monterey County, CA from the date of issuance until May 31, 2021.

Dated: June 30, 2021.

**Angela Somma,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB154]

### Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands Crab Rationalization Cost Recovery Program

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

**ACTION:** Notification of fee percentage.

**SUMMARY:** NMFS publishes notification of a 1.09 percent fee for cost recovery under the Bering Sea and Aleutian Islands Crab Rationalization Program. This action is intended to provide holders of crab allocations with the 2021/2022 crab fishing year fee percentage so they can calculate the required cost recovery fee payment, which must be submitted by July 31, 2022.

**DATES:** The Crab Rationalization Program Registered Crab Receiver permit holder is responsible for submitting the fee liability payment to NMFS by July 31, 2022.

## FOR FURTHER INFORMATION CONTACT:

Abby Jahn, (907) 586-7228.

## SUPPLEMENTARY INFORMATION:

### Background

NMFS Alaska Region administers the Bering Sea and Aleutian Islands Crab Rationalization Program (Program) in the North Pacific. Fishing under the Program began on August 15, 2005. Regulations implementing the Program can be found at 50 CFR part 680.

The Program is a limited access privilege program authorized by section 313(j) of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). The Program includes a cost recovery provision to collect fees to recover the actual costs directly related to the management, data collection, and enforcement of the Program. The Program is consistent with the cost recovery provisions included under section 304(d)(2)(A) of the Magnuson-Stevens Act. NMFS developed the cost recovery regulations to conform to statutory requirements and to reimburse the agency for the actual costs directly related to the management, data collection, and enforcement of the Program. The cost recovery provision allows collection of 133 percent of the actual management, data collection, and enforcement costs up to 3 percent of the ex-vessel value of crab harvested under the Program. The Program provides that a proportional share of fees charged be forwarded to the State of Alaska for reimbursement of its share of management and data collection costs for the Program.

A crab allocation holder generally incurs a cost recovery fee liability for every pound of crab landed. Catcher vessel and processor quota shareholders split the cost recovery fees equally with each paying half, while catcher/processor quota shareholders pay the full fee percentage for crab processed at sea. The crab allocations subject to cost recovery include Individual Fishing Quota, Crew Individual Fishing Quota, Individual Processing Quota, Community Development Quota, and the Adak community allocation. The Registered Crab Receiver (RCR) permit holder must collect the fee liability from the crab allocation holder who is landing crab. Additionally, the RCR permit holder must collect their own fee liability for all crab delivered to the RCR. The RCR permit holder is responsible for submitting this payment to NMFS on or before July 31, in the year following the crab fishing year in which landings of crab were made.

The dollar amount of the fee due is determined by multiplying the fee percentage (not to exceed 3 percent) by

the ex-vessel value of crab debited from the allocation. Program details may be found in the implementing regulations at 50 CFR 680.44.

#### Fee Percentage

Each year, NMFS calculates and publishes in the **Federal Register** the fee percentage according to the factors and methodology described at § 680.44(c)(2). The formula for determining the fee percentage is the “direct program costs” divided by “value of the fishery,” where “direct program costs” are the direct program costs for the Program for the previous fiscal year, and “value of the fishery” is the ex-vessel value of the catch subject to the crab cost recovery fee liability for the current year. Fee collections for any given year may be less than or greater than the actual costs and fishery value for that year, as regulations establish the fee percentage in the first quarter of the crab fishing year based on the fishery value and costs in the prior year.

According to the fee percentage formula described above, the estimated percentage of costs to value for the 2020/2021 fishery was 1.09 percent. Therefore, the fee percentage will be 1.09 percent for the 2021/2022 crab fishing year. The fee percentage decreased by approximately 17 percent from the 2020/2021 crab fishing year fee percentage of 1.31 percent (85 FR 41566, July 10, 2020). Direct program costs for managing the fishery decreased by approximately 9 percent from 2020/2021 to 2021/2022, while fishery value increased by approximately 10 percent, resulting in the decreased fee percentage. Similar to previous years, the largest direct program costs were incurred by the NOAA Office of Law Enforcement and the Alaska Department of Fish and Game, respectively.

**Authority:** 16 U.S.C. 1862; Pub. L. 109–241; Pub. L. 109–479.

Dated: July 1, 2021.

**Jennifer M. Wallace,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

#### Notice of Availability of a Draft Environmental Impact Statement for the Proposed Lake Ontario National Marine Sanctuary; Announcement of Public Meetings; Request for Public Comments

**AGENCY:** Office of National Marine Sanctuaries (ONMS), National Ocean Service (NOS), National Oceanic and Atmospheric Administration (NOAA), Department of Commerce (DOC).

**ACTION:** Notice of availability and public meetings; Request for public comments.

**SUMMARY:** The National Oceanic and Atmospheric Administration (NOAA) has prepared a draft environmental impact statement (DEIS) that considers three alternatives for the proposed designation of a national marine sanctuary to manage a nationally significant collection of shipwrecks and other underwater cultural resources in New York’s eastern Lake Ontario and the Thousand Islands region of the St. Lawrence River. NOAA also prepared a draft management plan that describes the proposed goals, objectives, and strategies for managing the proposed sanctuary. NOAA is soliciting public comment on the DEIS and draft management plan.

**DATES:** NOAA will consider all comments received by September 10, 2021. NOAA will conduct public meetings on the following dates:

(1) *Date:* August 18, 2021, *Location:* Lake Ontario Event and Conference Center, *Address:* 26 East First Street, Oswego, NY 13126, *Time:* 6:30 p.m. to 8:30 p.m. EDT. A virtual meeting platform may substitute if public safety concerns remain to prevent the spread of COVID–19.

(2) *Date:* August 19, 2021, *Location:* Clayton Opera House, *Address:* 405 Riverside Drive, Clayton, NY 13624, *Time:* 6:30 p.m. to 8:30 p.m. EDT. A virtual meeting platform may substitute if public safety concerns remain to prevent the spread of COVID–19.

(3) *Date:* August 24, 2021, *Location:* virtual meeting, *Time:* 2:30 p.m. to 4:00 p.m. EDT

(4) *Date:* August 26, 2021, *Location:* virtual meeting, *Time:* 6:30 p.m. to 8:00 p.m. EDT

**ADDRESSES:** Comments may be submitted by the following method:

*Electronic Submissions:* Submit all electronic public comments via the Federal e-Rulemaking Portal. Go to [www.regulations.gov](http://www.regulations.gov) and search for

“NOAA–NOS–2021–0050”, and click the “Comment Now!” icon, complete the required fields, and enter or attach your comments.

*Instructions:* 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 by NOAA. All comments received are a part of the public record and will generally be posted for public viewing on [www.regulations.gov](http://www.regulations.gov) without change. All personal identifying information (for example, name, address, etc.), confidential business information, or otherwise sensitive information submitted voluntarily by the commenter will be publicly accessible. NOAA will accept anonymous comments (enter “N/A” in the required fields if you wish to remain anonymous).

Copies of the DEIS can be downloaded or viewed on the internet at [www.regulations.gov](http://www.regulations.gov) (search for docket NOAA–NOS–2021–0050) or at <http://sanctuaries.noaa.gov/lake-ontario/>. Copies can also be obtained by contacting Ellen Brody (in the **FOR FURTHER INFORMATION CONTACT** section of this notice).

**FOR FURTHER INFORMATION CONTACT:** Ellen Brody, Great Lakes Regional Coordinator, address: 4840 South State Road, Ann Arbor, MI 48108–9719; phone: 734–741–2270; email: [ellen.brody@noaa.gov](mailto:ellen.brody@noaa.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Background

The National Marine Sanctuaries Act (NMSA; 16 U.S.C. 1431 *et seq.*) authorizes the Secretary of Commerce (Secretary), through NOAA, to designate and protect as national marine sanctuaries areas of the marine environment that are of special national significance due to their conservation, recreational, ecological, historical, scientific, cultural, archeological, educational, or esthetic qualities. Day-to-day management of national marine sanctuaries has been delegated by the Secretary to NOAA’s Office of National Marine Sanctuaries (ONMS). The primary objective of the NMSA is to protect the sanctuary system’s biological and cultural resources, such as coral reefs, marine animals, historic shipwrecks, other historic structures, and archaeological sites.

In the DEIS, NOAA’s proposed action is to designate a national marine sanctuary in New York’s eastern Lake Ontario and the Thousand Islands region of the St. Lawrence River to manage a nationally significant collection of shipwrecks and other