

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration****Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Marine Sanctuary Permits**

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on February 19, 2021 (86 FR 10249) during a 60-day comment period. This notice allows for an additional 30 days for public comments.

*Agency:* National Oceanic & Atmospheric Administration (NOAA), Commerce.

*Title:* National Marine Sanctuary Permits.

*OMB Control Number:* 0648-0141.

*Form Number(s):* None.

*Type of Request:* Regular submission (revision and extension of a current information collection).

*Number of Respondents:* 424.

*Average Hours per Response:* General permits and authorizations, 1 hour and 30 minutes; special use permits, 8 hours; archaeological research permits, 13 hours; baitfish permits, 40 minutes; permit amendments and certifications, 30 minutes; voluntary registrations, 15 minutes; appeals, 24 hours; Tortugas access permits, 15 minutes.

*Total Annual Burden Hours:* 2149.25.

*Needs and Uses:* This request is for revision and extension of a currently approved information collection by the Office of National Marine Sanctuaries (ONMS). ONMS manages national marine sanctuaries pursuant to the purposes and policies of the National Marine Sanctuaries Act (NMSA, 16 U.S.C. 1431 *et seq.*).

National marine sanctuary regulations at 15 CFR part 922 list specific activities that are prohibited in national marine sanctuaries. These regulations also state that otherwise prohibited activities may be conducted if a permit is issued by ONMS. For most types of permits,

persons desiring a permit must submit an application, and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit. The recordkeeping and reporting requirements at 15 CFR part 922 form the basis for this collection of information.

This information is required by ONMS to protect and manage sanctuary resources. The permit application collects information about the proposed activities, the methods proposed to be used, the potential effects to sanctuary resources, and information on the regulatory review criteria at 15 CFR part 922. ONMS uses this information to evaluate whether the proposed activities are consistent with the purposes and policies of the NMSA, the purposes for which the sanctuary was designated, and the implementing regulations at 15 CFR part 922.

Changes to this information collection include revisions to the permit application and instructions to improve clarity. The estimated number of permits issued per year also changed from 555 to 424. This is based on an estimated five additional permits from the designation of the Mallows Bay—Potomac River National Marine Sanctuary (84 FR 50736; Sept. 26, 2019), five additional permits from the designation of Wisconsin Shipwreck Coast National Marine Sanctuary (WSCNMS) (86 FR 32737, June 23, 2021); the correction of a mathematical error that increased the total burden hours for baitfish permits; and a reduction of 141 permits per year because ONMS is no longer issuing lionfish removal permits in Florida Keys National Marine Sanctuary. Other revisions made to the application and applicant instructions were to improve the quality of information initially collected and to make the permit process more efficient.

*Affected Public:* Individuals; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal government.

*Frequency:* On occasion.

*Respondent's Obligation:* Required to Obtain or Retain Benefits.

*Legal Authority:* National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the

following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function and entering either the title of the collection or the OMB Control Number 0648-0141.

**Sheleen Dumas,**

*Department PRA Clearance Officer, Office of the Chief Information Officer, Commerce Department.*

[FR Doc. 2021-15560 Filed 7-21-21; 8:45 am]

**BILLING CODE 3510-NK-P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648-XB235]

**Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Seattle Multimodal Project at Colman Dock in Washington State**

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

**ACTION:** Notice; issuance of Renewal incidental harassment authorization.

**SUMMARY:** In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a Renewal incidental harassment authorization (IHA) to the Washington State Department of Transportation (WSDOT) to incidentally harass, by Level B harassment only, marine mammals incidental to construction activities associated with the Seattle Multimodal Project at Colman Dock in Seattle, Washington State.

**DATES:** This Renewal IHA is valid from August 1, 2021 through July 31, 2022.

**FOR FURTHER INFORMATION CONTACT:** Amy Fowler, Office of Protected Resources, NMFS, (301) 427-8401. Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed above.

**SUPPLEMENTARY INFORMATION:**

## Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) 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 specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed incidental take 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) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). Monitoring and reporting of such takings are also required. The meaning of key terms such as “take,” “harassment,” and “negligible impact” can be found in section 3 of the MMPA (16 U.S.C. 1362) and the agency’s regulations at 50 CFR 216.103.

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed one year for each reauthorization. In the notice of proposed IHA for the initial authorization, NMFS described the circumstances under which we would consider issuing a Renewal for this activity, and requested public comment on a potential Renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time one-year Renewal IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical or nearly identical activities as described in the “Detailed Description of Specified Activities” section of the initial IHA issuance notice is planned or (2) the activities as described in the “Detailed Description of Specified Activities” section of the initial IHA issuance notice would not be completed

by the time the initial IHA expires and a Renewal would allow for completion of the activities beyond that described in the “Dates” section of the initial IHA issuance, provided all of the following conditions are met:

(1) A request for renewal is received no later than 60 days prior to the needed Renewal IHA effective date (recognizing that the Renewal IHA expiration date cannot extend beyond one year from expiration of the initial IHA).

(2) The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested Renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

(3) Upon review of the request for Renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed Renewal. A description of the Renewal process may be found on our website at: [www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals](http://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals).

## History of Request

On September 3, 2020, NMFS issued an IHA to WSDOT to take marine mammals incidental to the fourth year of work associated with the Seattle Multimodal Project at Colman Dock in Seattle, Washington (85 FR 59737; September 23, 2020), effective from September 10, 2020 through September 9, 2021. The initial IHA covered one year of the larger project for which WSDOT obtained prior IHAs (82 FR 31579, July 7, 2017; 83 FR 35226, July 25, 2018; 84 FR 36581, July 29, 2019). On March 18, 2021, NMFS received an

application for the Renewal of that initial IHA. As described in the application for Renewal, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but will not be completed prior to its expiration. As required, the applicant also provided a preliminary monitoring report (available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>) which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed Renewal incidental harassment authorization was published on June 23, 2021 (86 FR 32895).

## Description of the Specified Activities and Anticipated Impacts

WSDOT has requested incidental take for construction activities related to the Seattle Multimodal Project at Colman Dock in Seattle, Washington State. The activities addressed in this request represent a subset of the activities analyzed in the initial IHA, consisting of vibratory pile removal only, and are identical to the activities described in the initial IHA.

Accordingly the authorized take is for the same 11 species authorized in the initial IHA (see Table 4), and the amount of take is reflective of the take estimation methods described in the initial IHA applied to the remaining work described below.

The following documents are referenced in this notice and include important supporting information:

- Initial 2020 final IHA (85 FR 59737; September 23, 2020);
- Initial 2020 proposed IHA (85 FR 40992; July 8, 2020); and
- Initial IHA application, references cited, marine mammal monitoring plan, preliminary monitoring report, and previous public comments received (available at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>).

## Detailed Description of the Activity

A detailed description of the pile installation and removal activities for which take was authorized in the initial IHA may be found in the **Federal Register** notices of the proposed and final IHA for the initial authorization (85 FR 40992, July 8, 2020; 85 FR 59737, September 23, 2020). Only a subset of the construction activities remain to be

conducted, and the location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

Below and in Table 1 we describe the specific in-water pile driving and pile removal activities that were planned and already occurred under the initial IHA and those that remain to be completed under this renewal IHA:

- Vibratory driving followed by impact proofing (driving) of 36-inch

steel piles. A total of 73 piles were installed using the vibratory hammer over 9 days, with an average of approximately 8 piles installed per day. Vibratory pile driving and impact proofing occurred on different days;

- Vibratory driving and then removal of 24-inch temporary steel piles. A total of 30 piles were planned be installed and later removed, with an average of 8 piles installed/removed per day;
- Vibratory removal of 355 14-inch timber piles over 18 days, with

approximately 20 piles removed per day; and

- Vibratory removal of 30 12-inch steel piles over 3 days, with 10 piles removed per day.

All vibratory and impact pile installation was completed. Only vibratory removal of timber and temporary steel piles remains to be completed (Table 1).

TABLE 1—SUMMARY OF PLANNED IN-WATER PILE DRIVING

Pile size and type	Method	Number of piles planned to be completed in initial IHA	Number of piles completed under initial IHA	Number of piles to be completed in IHA renewal
36-inch Steel .....	Impact drive (proof) .....	* 73	73	0
36-inch Steel .....	Vibratory drive .....	* 73	73	0
24-inch Steel (temporary) .....	Vibratory drive .....	* 30	30	0
24-inch Steel (temporary) .....	Vibratory remove .....	* 30	5	25
14-inch Timber .....	Vibratory remove .....	355	316	39
12-inch Steel .....	Vibratory remove .....	30	30	0

\* These are same piles.

The total estimated duration of pile driving activities planned in the initial IHA was 47 days. In consideration of the time required to remove each pile using a vibratory hammer and the number of piles that may be removed per day, a total of 8 days of work remain to remove

the rest of the timber piles and temporary steel piles (Table 2).

Due to NMFS and U.S. Fish and Wildlife Service (USFWS) in-water work timing restrictions to protect Endangered Species Act (ESA)-listed salmonids, planned WSDOT in-water

construction is limited each year to July 15 through February 15 at this location. For this project, in-water construction is planned to take place between August 1, 2021 and February 15, 2022. This IHA Renewal is effective from August 1, 2021 through July 31, 2022.

TABLE 2—ESTIMATED DURATION OF REMAINING IN-WATER VIBRATORY PILE REMOVAL

Pile size and type	Number of piles remaining	Piles per day	Minutes per pile	Duration (days)
24-inch steel .....	25	8	20	4
14-inch timber .....	39	10	15	4

*Description of Marine Mammals*

A description of the marine mammals in the area of the activities for which authorization of take is authorized here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of proposed IHA for the initial authorization (85 FR 40992; July 8, 2020) and the **Federal Register** notice of proposed IHA for the Year 3 Seattle Multimodal Project at Colman Dock (84 FR 25757; June 4, 2019). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that neither this nor any other new information affects which species or stocks have the potential to

be affected or the pertinent information in the “Description of the Marine Mammals in the Area of Specified Activities” contained in the supporting documents for the initial IHA.

*Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the **Federal Register** notice of proposed IHA for the initial authorization (85 FR 40992; July 8, 2020). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, other scientific literature, and the public comments, and determined that neither this nor any

other new information affects our initial analysis of impacts on marine mammals and their habitat.

*Estimated Take*

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** notices of proposed IHA (85 FR 40992; July 8, 2020) and final IHA (85 FR 59737; September 23, 2020) for the initial authorization. Specifically, the source levels, corresponding Level A and Level B harassment zones (in m) and ensonified areas (in square kilometers (km<sup>2</sup>); Table 3), and marine mammal density/ occurrence data applicable to this authorization remain unchanged from the previously issued IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from

the previously issued IHA. The only change from the methods used to estimate take in the initial IHA is the total duration (days) of pile driving

activities, which has been reduced from a total of 47 days of activities, occurring over the course of 7 months, in the initial IHA to 8 days of remaining

activities estimated to occur within one month.

TABLE 3—LEVEL A AND LEVEL B HARASSMENT ZONES AND ENSONIFIED AREAS

Pile type, size & pile driving method	Level A harassment distance (m)/area (km <sup>2</sup> )					Level B harassment distance (m)/area (km <sup>2</sup> )
	LF cetacean	MF cetacean	HF cetacean	Phocid	Otariid	
Vibratory drive/removal, 24 inch steel piles .....	96.6/0.03	8.6/0.00	142.8/0.06	58.7/0.01	4.1/0.00	8,690/40.53
Vibratory removal 14 inch timber pile .....	8.0/0.00	0.7/0.00	11.8/0.00	4.8/0.00	0.3/0.00	2,154/5.47

LF = low-frequency; MF = mid-frequency; HF = high-frequency.

Authorized takes are by Level B harassment only, as use of the vibratory hammer has the potential to result in disruption of behavioral patterns for individual marine mammals. The initial IHA authorized take of harbor seals and harbor porpoises by Level A harassment from impact pile driving. However, as described in the initial IHA, based on the nature of the activity remaining in this Renewal (vibratory pile driving) and the anticipated effectiveness of the mitigation measures (*i.e.*, shutdown, see Proposed Mitigation below), Level A harassment is neither anticipated from

vibratory pile driving and is not authorized here.

As described in the initial IHA, the initial approach for take calculation was to use the information aggregated in the U.S. Navy Marine Species Density Database (U.S. Navy, 2019) with the following equation:

$$\text{Total Take} = \text{marine mammal density} \times \text{ensonified area} \times \text{pile driving days}$$

However, also as described in the initial IHA, adjustments were made to all of these initial estimates based on prior observation of marine mammals in the project area and account for group

numbers, and in fact most estimates were based on a predicted number of individuals entering the Level B harassment zone per month, with several estimates also based on a predicted number entering per day. Take estimates for the activities remaining in this renewal IHA were developed using the identical methods as the initial IHA, in consideration of the remaining 8 days of work, and equated to one month where monthly estimates were used. Table 4 indicates the number of each species or stock proposed for authorization.

TABLE 4—AUTHORIZED TAKE BY SPECIES AND STOCK

Species	Total proposed take	Stock	Stock abundance	Percent of stock
Gray whale .....	1	Eastern North Pacific .....	26,960	0.004
Humpback whale .....	3	California/Oregon/Washington .....	2,900	0.103
Minke whale .....	1	California/Oregon/Washington .....	636	0.157
Killer whale .....	10	West Coast transient .....	349	2.865
Bottlenose dolphin .....	7	California/Oregon/Washington offshore .....	1,924	0.364
Harbor porpoise .....	100	Washington inland waters .....	11,233	0.890
Dall's porpoise .....	5	California/Oregon/Washington .....	25,750	0.019
Harbor seal .....	720	Washington northern inland waters .....	11,036	6.524
Northern elephant seal .....	1	California breeding .....	179,000	0.001
California sea lion .....	232	U.S. ....	257,606	0.090
Steller sea lion .....	8	Eastern U.S. ....	43,201	0.019

We have reviewed the preliminary monitoring report submitted by WSDOT and the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized and, therefore, these estimates are appropriate.

*Description of Mitigation, Monitoring and Reporting Measures*

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the Federal Register notice announcing the issuance of the initial IHA (85 FR 59737; September 23, 2020), with the exception of mitigation measures specific to

impact pile driving, which will not occur under this IHA. The discussion of the least practicable adverse impact included in that document remains accurate. The following measures are required in this Renewal:

*Proposed Mitigation*

*Time Restriction*—The applicant stated that work would occur only during daylight hours, when visual monitoring of marine mammals can be conducted. In addition, all in-water construction will be limited to the period between August 1, 2021, and February 15, 2022.

*Establishing and Monitoring Level A, Level B Harassment Zones, and*

*Exclusion Zones*—Before the commencement of in-water construction activities, which include vibratory pile removal, WSDOT must establish Level A harassment zones where received underwater sound pressure levels (SPLs) or cumulative sound exposure levels (SEL<sub>cum</sub>) could cause permanent threshold shift (PTS).

WSDOT must also establish Level B harassment zones where received underwater SPLs are higher than 120 decibels root-mean-square (dB<sub>rms</sub>) re 1 microPascal (µPa) for continuous noise sources (*e.g.*, vibratory pile removal).

WSDOT must establish exclusion zones as shown in Table 5 to prevent

Level A harassment takes of all marine mammal hearing groups.

For in-water heavy machinery work other than pile driving (*e.g.*, standard barges, *etc.*), if a marine mammal comes within 10 m, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions.

This type of work could include the following activities: (1) Movement of the barge to the pile location; or (2) positioning of the pile on the substrate via a crane.

WSDOT must establish exclusion zones for Southern Resident killer whales (SRKW) and all marine mammals for which takes are not

authorized at the Level B harassment distances. Specifically, for vibratory removal of 24-inch steel piles, an 8.7 km exclusion zone must be established. For vibratory removal of 14-inch timber piles, a 2.2 km exclusion zone must be established.

A summary of exclusion zones is provided in Table 5.

TABLE 5—EXCLUSION ZONES BY SPECIES AND HEARING GROUP

Pile type and size	Exclusion distance (m)					
	LF	MF	HF	Phocid	Otariid	SRKW
24-inch steel .....	100	10	150	60	10	8,700
14-inch timber .....	10	10	15	10	10	2,200

NMFS-approved protected species observers (PSOs) must conduct an initial survey of the exclusion zones to ensure that no marine mammals are seen within the zones beginning 30 minutes before removal of a pile segment begins. If marine mammals are found within the exclusion zone, pile driving of the segment must be delayed until they move out of the area. If a marine mammal is seen above water and then dives below, the contractor must wait 15 minutes. If no marine mammals are seen by the observer in that time it can be assumed that the animal has moved beyond the exclusion zone.

If pile driving of a segment ceases for 30 minutes or more and a marine mammal is sighted within the designated exclusion zone prior to commencement of pile removal, the observer(s) must notify the pile driving operator (or other authorized individual) immediately and continue to monitor the exclusion zone. Operations may not resume until the marine mammal has exited the exclusion zone or 15 minutes have elapsed since the last sighting.

**Shutdown Measures**—WSDOT must implement shutdown measures if a marine mammal is detected within or entering an exclusion zone listed in Table 5.

WSDOT must also implement shutdown measures if SRKW are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

If a killer whale approaches the Level B harassment zone during pile driving or removal, and it is unknown whether it is a SRKW or a transient killer whale, it must be assumed to be a SRKW and WSDOT must implement the shutdown measure.

If a SRKW or an unidentified killer whale enters the Level B harassment

zone undetected, in-water pile driving or pile removal must be suspended until the whale exits the Level B harassment zone, or 15 minutes have elapsed with no sighting of the animal, to avoid further Level B harassment.

Further, WSDOT must implement shutdown measures if the number of authorized takes for any particular species reaches the limit under the IHA and if such marine mammals are sighted within the vicinity of the project area and are approaching the Level B harassment zone during in-water construction activities.

**Coordination with Local Marine Mammal Research Network**—Prior to the start of pile driving for the day, WSDOT must contact the Orca Network and/or Center for Whale Research to find out the location of the nearest marine mammal sightings. The Local Marine Mammal Research Network consists of a list of over 600 (and growing) residents, scientists, and government agency personnel in the United States and Canada. Sightings are called or emailed into the Orca Network and immediately distributed to other sighting networks including: The NMFS Northwest Fisheries Science Center, the Center for Whale Research, Cascadia Research, the Whale Museum Hotline and the British Columbia Sightings Network.

Sightings information collected by the Orca Network includes detection by hydrophone. The SeaSound Remote Sensing Network is a system of interconnected hydrophones installed in the marine environment of Haro Strait (west side of San Juan Island) to study orca communication, in-water noise, bottom fish ecology and local climatic conditions. A hydrophone at the Port Townsend Marine Science Center measures average in-water sound levels and automatically detects unusual sounds. These passive acoustic

devices allow researchers to hear when different marine mammals come into the region. This acoustic network, combined with the volunteer (incidental) visual sighting network allows researchers to document presence and location of various marine mammal species.

**Proposed Monitoring and Reporting**

**Monitoring Measures**—WSDOT must employ NMFS-approved PSOs to conduct marine mammal monitoring for its Seattle Multimodal Project at Colman Dock. The PSOs must observe and collect data on marine mammals in and around the project area for 30 minutes before, during, and for 30 minutes after all pile removal and pile installation work. NMFS-approved PSOs must meet the following requirements:

1. Independent observers (*i.e.*, not construction personnel) are required;
2. At least one observer must have prior experience working as an observer;
3. Other observers may substitute education (undergraduate degree in biological science or related field) or training for experience;
4. Where a team of three or more observers are required, one observer should be designated as lead observer or monitoring coordinator. The lead observer must have prior experience working as an observer; and
5. NMFS will require submission and approval of observer Curriculum Vitas.

Monitoring of marine mammals around the construction site must be conducted using high-quality binoculars (*e.g.*, Zeiss, 10 × 42 power). Due to the different sizes of zones of influence (ZOIs) from different pile sizes, several different ZOIs and different monitoring protocols corresponding to a specific pile size will be established. During vibratory removal of 24-inch steel piles, four land-based PSOs and one ferry-based PSO must monitor the zone. During vibratory removal of 14-inch

timber piles, four land-based PSOs must monitor the zone. Locations of the land-based PSOs and routes of monitoring vessels are shown in WSDOT's Marine Mammal Monitoring Plan, which is available online at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

To verify the required monitoring distance, the exclusion zones and zones of influence must be determined by using a range finder or hand-held global positioning system device.

**Reporting Measures**—WSDOT is required to submit a draft report on all marine mammal monitoring conducted under the IHA (if issued) within 90 calendar days of the completion of the project. A final report must be prepared and submitted within 30 days following resolution of comments on the draft report from NMFS.

The marine mammal report must contain the informational elements described in the Marine Mammal Monitoring Plan for the initial IHA, dated May 12, 2020, including, but not limited to:

1. Dates and times (begin and end) of all marine mammal monitoring;
2. Construction activities occurring during each daily observation period, including how many and what type of piles were driven or removed;
3. Weather parameters and water conditions during each monitoring period (*e.g.*, wind speed, percent cover, visibility, sea state);
4. The number of marine mammals observed, by species, relative to the pile location and if pile driving or removal was occurring at time of sighting;
5. Age and sex class, if possible, of all marine mammals observed;
6. PSO locations during marine mammal monitoring;
7. Distances and bearings of each marine mammal observed to the pile being driven or removed for each sighting (if pile driving or removal was occurring at time of sighting);
8. Description of any marine mammal behavior patterns during observation, including direction of travel and estimated time spent within the Level B harassment zones while the source was active;
9. Number of individuals of each species (differentiated by month as appropriate) detected within the monitoring zone;
10. Detailed information about any implementation of any mitigation triggered (*e.g.*, shutdowns and delays), a description of specific actions that ensued, and resulting behavior of the animal, if any;

11. Description of attempts to distinguish between the number of individual animals taken and the number of incidences of take, such as ability to track groups or individuals; and

12. Submit all PSO datasheets and/or raw sighting data (in a separate file from the Final Report referenced immediately above).

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, WSDOT must report the incident to the Office of Protected Resources (OPR) (301-427-8401), NMFS and to the West Coast Region (WCR) regional stranding coordinator (1-866-767-6114) as soon as feasible. If the death or injury was clearly caused by the specified activity, WSDOT must immediately cease the specified activities until NMFS is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of the IHA. WSDOT must not resume their activities until notified by NMFS.

The report must include the following information:

1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
2. Species identification (if known) or description of the animal(s) involved;
3. Condition of the animal(s) (including carcass condition if the animal is dead);
4. Observed behaviors of the animal(s), if alive;
5. If available, photographs or video footage of the animal(s); and
6. General circumstances under which the animal was discovered.

#### Comments and Responses

A notice of NMFS' proposal to issue a Renewal IHA to WSDOT was published in the **Federal Register** on June 23, 2021 (86 FR 32895). That notice either described, or referenced descriptions of, WSDOT's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received no public comments.

#### Determinations

The construction activities planned by WSDOT are a subset of, and identical to, those analyzed in the initial IHA, and the method of taking and the effects of the action are identical to the initial IHA (though the amount of proposed authorized take is notably lower). The

potential effects of WSDOT's activities are limited to Level B harassment in the form of behavioral disturbance. In analyzing the effects of the activities in the 2020 IHA, NMFS determined that WSDOT's activities would have a negligible impact on the affected species or stocks and that the authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third of all stocks). The mitigation measures and monitoring and reporting requirements as described above are identical to the initial IHA.

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) WSDOT'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 issuance of an IHA Renewal) 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, in this case with the West Coast Region Protected Resources Division, whenever we propose to authorize take for endangered or threatened species.

The only species listed under the ESA with the potential to be present in the action area are the Mexico Distinct Population Segment (DPS) and Central America DPS of humpback whales. The effects of this Federal action were adequately analyzed in NMFS' Biological Opinion for the Seattle Multimodal Project at Colman Dock, Seattle, Washington, dated October 1, 2018, which concluded that issuance of an IHA would not jeopardize the continued existence of any endangered or threatened species or destroy or adversely modify any designated critical habitat.

#### Renewal

NMFS has issued a Renewal IHA to WSDOT for the take of marine mammals incidental to conducting the Seattle Multimodal Project at Colman Dock Year 4 in Washington State, between August 1, 2021 and July 31, 2022.

Dated: July 16, 2021.

**Catherine Marzin,**

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

[FR Doc. 2021-15539 Filed 7-21-21; 8:45 am]

**BILLING CODE 3510-22-P**

---

## DEPARTMENT OF DEFENSE

### Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries; Notice of Federal Advisory Committee Meeting

**AGENCY:** Under Secretary of Defense for Personnel and Readiness, U.S. Department of Defense (DoD).

**ACTION:** Notice of open Federal Advisory Committee meeting.

**SUMMARY:** DoD is publishing this notice to announce that the following Federal Advisory Committee meeting of the Department of Defense Medicare-Eligible Retiree Health Care Board of Actuaries, hereafter, "Board" will take place.

**DATES:** Open to the public Friday, August 6, 2021, from 10:00 a.m. to 1:00 p.m.

**ADDRESSES:** THIS MEETING WILL BE HELD VIRTUALLY. For information on accessing the meeting, please contact

Kathleen Ludwig, (703) 438-0223 or [Kathleen.A.Ludwig.civ@mail.mil](mailto:Kathleen.A.Ludwig.civ@mail.mil) before July 30, 2021 at 12:00 p.m. EDT.

**FOR FURTHER INFORMATION CONTACT:** Inger Pettygrove, (703) 225-8803 (Voice), [inger.m.pettygrove.civ@mail.mil](mailto:inger.m.pettygrove.civ@mail.mil) (Email). Mailing address is Defense Human Resources Activity, DoD Office of the Actuary, 4800 Mark Center Drive, STE 03E25, Alexandria, VA 22350-8000. Website: <https://actuary.defense.gov/>. The most up-to-date changes to the meeting agenda can be found on the website.

**SUPPLEMENTARY INFORMATION:** This meeting is being held under the provisions of the Federal Advisory Committee Act (FACA) of 1972 (5 U.S.C., Appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102-3.140 and 102-3.150.

**Purpose of the Meeting:** The purpose of the meeting is to execute the provisions of 10 U.S.C. chapter 56 (10 U.S.C. 1114 et. seq). The Board shall review DoD actuarial methods and assumptions to be used in the valuation of benefits under DoD retiree health care programs for Medicare-eligible beneficiaries.

**Agenda:** Discussion includes (1) Approved actuarial assumptions and methods needed for calculating: The September 30, 2020, unfunded liability payment (UFL)\*, the FY 2023 per capita full-time and part-time normal cost amounts\*, and the October 1, 2021, Treasury UFL amortization payment\*; (2) Approve per capita full-time and part-time normal cost amounts for the October 1, 2021 (FY 2022) normal cost payments\*; (3) Trust Fund investment experience update; (4) Medicare-Eligible Retiree Health Care Fund Update; (5) September 30, 2019, Actuarial Valuation Results; and (6) September 30, 2020, Actuarial Valuation Proposals. For \* items, Board approval is required. Registered participants may obtain the most recent public agenda and other documentation by emailing the points of contact in the **FOR FURTHER INFORMATION CONTACT** section or on the Board's website.

**Meeting Accessibility:** Pursuant to FACA and 41 CFR 102-3.140, this meeting is open to the public.

**Written Statements:** In accordance with Section 10(a)(3) of the FACA and 41 CFR 102-3.105(j) and 102-3.140, interested persons may submit a written statement for consideration at any time, but should be received at least 10 business days prior to the meeting date so that the comments may be made available to the Board for their consideration prior to the meeting.

Written statements should be submitted via email to Kathleen Ludwig at [Kathleen.A.Ludwig.civ@mail.mil](mailto:Kathleen.A.Ludwig.civ@mail.mil), by July 30, 2021, in either Adobe or Microsoft Word format. Please note that since the Board operates under the provisions of the FACA, as amended, all submitted comments and public presentations will be treated as public documents and will be made available for public inspection, including, but not limited to, being posted on the board website.

Dated: July 16, 2021.

**Aaron T. Siegel,**

*Alternate OSD Federal Register Liaison Officer, Department of Defense.*

[FR Doc. 2021-15562 Filed 7-21-21; 8:45 am]

**BILLING CODE 5001-06-P**

---

## DEPARTMENT OF DEFENSE

[Docket ID: DoD-2021-OS-0049]

### Privacy Act of 1974; System of Records

**AGENCY:** Department of Defense (DoD).

**ACTION:** Notice of a new system of records.

**SUMMARY:** In accordance with the Privacy Act of 1974, the DoD is establishing a new Department-wide system of records titled, "Defense Reasonable Accommodation and Assistive Technology Records," DoD 0007. This system of records covers the DoD's maintenance of records about DoD civilian personnel and other individuals requesting or receiving reasonable accommodations or personal assistance services, and wounded, ill and injured Service Members on Active Duty requesting or receiving assistive technology solutions, hereafter referred to collectively as disability accommodation(s). The data includes information concerning the type(s) of accommodation requested and provided; nature of a requestor's condition; manner in which an accommodation, personal assistance service, or assistive technology solution assists a requestor; and acquisition or modification of equipment or assistive technology solutions, to include electronic devices. Additionally, the DoD is issuing a direct final rulemaking to exempt this system of records from certain provisions of the Privacy Act, elsewhere in today's issue of the **Federal Register**.

**DATES:** This new system of records is effective upon publication; however, comments on the Routine Uses will be accepted on or before August 23, 2021.