

initial IHA (83 FR 30406; June 28, 2018) and the modified IHA (85 FR 86538; December 30, 2020). Within 90 days after completion of pile driving activities, the Navy must provide NMFS with a monitoring report which includes summaries of recorded takes and estimates of the number of marine mammals that may have been harassed. If no comments are received from NMFS within 30 days, the draft final report will constitute the final report. If comments are received, a final report addressing NMFS comments must be submitted within 30 days after receipt of comments.

In the unanticipated event that: (1) The specified activity clearly causes the take of a marine mammal in a manner prohibited by the IHA, such as an injury, serious injury or mortality; (2) an injured or dead animal is discovered and cause of death is known; or (3) an injured or dead animal is discovered and cause of death is not related to the project activities, the Navy will follow the protocols described in the Section 3 of Marine Mammal Monitoring Report (Appendix D of the IHA application).

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to the Navy was published in the **Federal Register** on July 19, 2021 (86 FR 38025). That notice described and referenced descriptions of the Navy's activities, the marine mammal species that may be affected by the activities, 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 activities planned by the Navy are identical to a subset of those analyzed in the 2018 IHA (83 FR 30406; June 28, 2018) and discussed in the modified 2020 IHA (85 FR 86538; December 30, 2020), as are the method of taking and the effects of the action. The potential effects of the Navy's activities are limited to Level A harassment of one species (harbor seals) and Level B harassment in the form of behavioral disturbance for three species (California sea lions, Steller sea lions, and harbor seals). As the activities described herein represent a subset, the take that was analyzed and described in the proposed renewal (86 FR 38025; July 18, 2021) is relatively smaller than authorized previously in the overall projects described in the modified 2020 IHA (85 FR 86538; December 30, 2020). In analyzing the effects of the activities in the 2018 IHA (83 FR 30406; June 28,

2018) and the modified 2020 IHA (85 FR 86538; December 30, 2020), NMFS determined that the Navy's activities would have a negligible impact on the affected species or stocks and the takes would be of small numbers. The mitigation measures and monitoring and reporting requirements as described above are identical to the 2018 IHA (83 FR 30406; June 28, 2018) and modified 2020 IHA (85 FR 86538; December 30, 2020).

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the 2020 modified IHA. This includes consideration of the estimated abundance of the stocks for Steller sea lions (eastern United States stock) increasing slightly and the estimated abundance for the stock of California sea lions (United States stock) decreasing slightly. 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) 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; and (5) appropriate monitoring and reporting requirements are included.

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. No incidental take of ESA-listed marine mammal species is expected to result from these activities, and none would be authorized. Therefore, NMFS has determined that consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act (NEPA)

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 (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment. This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHA with no anticipated serious injury or mortality) 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 NMFS has not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Renewal

NMFS has issued a renewal IHA to the Navy for the take of marine mammals incidental to conduct the Service Pier Extension Project at Naval Base Kitsap Bangor in Silverdale, Washington from August 11, 2021 through July 15, 2022.

Dated: August 11, 2021.

Catherine Marzin,

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

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XB333]

Marine Mammals; File No. 25850

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 University of California at Davis, 387 North Quad Ave., Room 1210 PES, Davis, CA 95616 (Responsible Party: Chris Yarnes, Ph.D.) has applied in due form for a permit to import parts from killer whales (*Orcinus orca*) for scientific research.

DATES: Written, telefaxed, or email comments must be received on or before September 16, 2021.

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. 25850 from the list of available applications. These documents are also available upon written request via email to NMFS.Pr1Comments@noaa.gov.

Written comments on this application should be submitted via email to NMFS.Pr1Comments@noaa.gov. Please include File No. 25850 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to NMFS.Pr1Comments@noaa.gov. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Shasta McClenahan, Ph.D. or Jordan Rutland, (301) 427-8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Marine Mammal Protection Act of 1972, as amended (MMPA; 16 U.S.C. 1361 *et seq.*) and the regulations governing the taking and importing of marine mammals (50 CFR part 216).

The applicant proposes to import biological samples from Canada for stable isotope analysis to study trophic ecology and distribution. An unlimited number of samples from up to 40 killer whales may be imported annually. The requested duration of the permit is five years.

In compliance with the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*), an initial determination has been made that the activity proposed is categorically excluded from the requirement to prepare an environmental assessment or environmental impact statement.

Concurrent with the publication of this notice in the **Federal Register**, NMFS is forwarding copies of the application to the Marine Mammal Commission and its Committee of Scientific Advisors.

Dated: August 12, 2021.

Julia Marie Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[Docket No. 210806-0159]

RTID 0648-XW032 and 0648-XW013

Listing Endangered and Threatened Wildlife; 12-Month Findings on Petitions To List Spring-Run Oregon Coast Chinook Salmon and Spring-Run Southern Oregon and Northern California Coastal Chinook Salmon as Threatened or Endangered Under the Endangered Species Act

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

ACTION: Notice of 12-month petition findings.

SUMMARY: We, NMFS, announce 12-month findings on 2 petitions to list populations of spring-run Chinook salmon (*Oncorhynchus tshawytscha*) as threatened or endangered Evolutionarily Significant Units (ESUs) under the Endangered Species Act (ESA) and to designate critical habitat concurrently with the listings. We have completed a comprehensive analysis of Oregon Coast (OC) and Southern Oregon and Northern California Coastal (SONCC) spring-run Chinook salmon populations in response to the petitions. Based on the best scientific and commercial data available, including the ESU configuration report, we have determined that listing the OC and SONCC spring-run Chinook salmon populations as threatened or endangered ESUs is not warranted. We determined that the OC and SONCC spring-run Chinook salmon populations do not meet the ESU Policy criteria to be considered ESUs separate from the OC and SONCC fall-run Chinook salmon populations and, therefore, do not meet the statutory definition of a species under the ESA. We also announce the availability of an ESU configuration report we prepared to inform our determination.

DATES: These findings were made on August 17, 2021.

ADDRESSES: The documents informing the 12-month findings, including the ESU configuration report (Ford *et al.* 2021), are available by submitting a request to the Assistant Regional Administrator, Protected Resources Division, West Coast Regional Office, 501 W Ocean Blvd., Suite 4200, Long Beach, CA 90802, Attention: OC and SONCC spring-run Chinook salmon 12-month Findings. The documents are

also available electronically at https://www.fisheries.noaa.gov/protected-resource-regulations?title=&field_species_vocab_target_id=Chinook+Salmon&sort_by=field_relevant_date_value.

FOR FURTHER INFORMATION CONTACT: Gary Rule, NMFS West Coast Region at gary.rule@noaa.gov, (503) 230-5424; or Heather Austin, NMFS Office of Protected Resources at heather.austin@noaa.gov, (301) 427-8422.

SUPPLEMENTARY INFORMATION:

Background

On September 24, 2019, the Secretary of Commerce received a petition from the Native Fish Society, Center for Biological Diversity, and Umpqua Watersheds (hereafter, the OC Petitioners) to list OC spring-run Chinook salmon as a threatened or endangered ESU under the ESA. Currently, OC spring-run Chinook salmon populations are part of the OC Chinook salmon ESU that combines populations of spring- and fall-run Chinook salmon and is not listed under the ESA. The OC Petitioners request that OC spring-run Chinook salmon be considered as a separate ESU and listed as threatened or endangered. The OC Petitioners also request the designation of critical habitat for OC spring-run Chinook salmon concurrent with ESA listing. On April 13, 2020, we published a positive 90-day finding (85 FR 20476) (RTID 0648-XW013) announcing that the petition presented substantial scientific or commercial information indicating that the petitioned action may be warranted. In our 90-day finding, we also announced the initiation of a status review to determine whether the spring-run populations of OC Chinook salmon constitute an ESU, and, if so, whether that OC spring-run Chinook salmon ESU is in danger of extinction or likely to become so within the foreseeable future throughout all or a significant portion of its range; and we requested information to inform our status review.

On May 4, 2020, the Secretary of Commerce received a petition from Richard K. Nawa (hereafter, the SONCC Petitioner, or Petitioners when referring collectively to the OC Petitioners and the SONCC Petitioner) to identify SONCC spring-run Chinook salmon as a separate ESU and list the ESU as threatened or endangered under the ESA. Currently, SONCC spring-run Chinook salmon populations are part of the SONCC Chinook salmon ESU that combines populations of spring- and fall-run Chinook salmon and is not listed under the ESA. The SONCC