

during May–August. Therefore, the stock is not expected to be present in its entirety year round at the proposed project location.

Further, many of the dolphin observations in the Delaware Bay and South of Cape May, NJ are likely repeated sightings of the same individuals. A by Toth *et al.*, (2010) conducted 73 boat-based photo-identification surveys in southern New Jersey near the Bay from 2003–2005 and found that of the 205 individuals identified, 44 percent were sighted multiple times within or among the years. Multiple sightings of the same individual would considerably reduce the number of individual animals that are taken by harassment.

The offshore stock is distributed primarily along the outer continental shelf and continental slope in the Northwest Atlantic Ocean from Georges Bank to the Florida Keys (Hayes *et al.*, 2021). There is suspected overlap of the two stocks south of Cape Hatteras, North Carolina to some degree.

In summary and as described above, the following factors primarily support our determination regarding the incidental take of small numbers of the affected stocks of a species or stock:

- The take of marine mammal stocks comprises less than 5 percent of any stock abundance (with the exception of the northern migratory stock of bottlenose dolphins);
- Potential bottlenose dolphin takes in the survey area are likely to be allocated between both distinct stocks;
- Bottlenose dolphin stocks in the survey area have extensive ranges and it would be unlikely to find a high percentage of individuals from either stock concentrated in a relatively small area such as the proposed survey area;
- Many of the takes would likely be repeats of the same animals, especially during summer months.

Based on the analysis contained herein of the proposed activity (including the proposed mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS preliminarily finds that small numbers of marine mammals will be taken relative to the population size of the affected species or stocks.

#### Unmitigable Adverse Impact Analysis and Determination

There are no relevant subsistence uses of the affected marine mammal stocks or species implicated by this action. Therefore, NMFS has determined that the total taking of affected species or stocks would not have an unmitigable adverse impact on the availability of

such species or stocks for taking for subsistence purposes.

#### 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 Office of Protected Resources (OPR) consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS OPR is proposing to authorize the incidental take of four species of marine mammals which are listed under the ESA, including the North Atlantic right, fin, sei, and sperm whale, and NMFS has determined that issuance of the proposed IHA falls within the scope of activities analyzed in NMFS GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021).

#### Proposed Authorization

As a result of these preliminary determinations, NMFS proposes to issue an IHA to Orsted for conducting marine site characterization surveys off the coast of Delaware from May 10, 2022 through May, 2023, provided the previously mentioned mitigation, monitoring, and reporting requirements are incorporated. A draft of the proposed IHA can be found at <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>.

#### Request for Public Comments

We request comment on our analyses, the proposed authorization, and any other aspect of this notice of proposed IHA for the proposed marine site characterization survey. We also request at this time comment on the potential Renewal of this proposed IHA as described in the paragraph below. Please include with your comments any supporting data or literature citations to help inform decisions on the request for this IHA or a subsequent Renewal IHA.

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 Description of Proposed Activities section of this

notice is planned or (2) the activities as described in the Description of Proposed Activities section of this notice would not be completed by the time the IHA expires and a Renewal would allow for completion of the activities beyond that described in the *Dates and Duration* section of this notice, provided all of the following conditions are met:

- 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).

- The request for renewal must include the following:

(1) 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); and

(2) 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.

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.

Dated: March 16, 2022.

**Kimberly Damon-Randall,**

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

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## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XB890]

#### Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Construction and Operation of the Revolution Wind Offshore Wind Farm Offshore of Rhode Island

**AGENCY:** National Marine Fisheries Service (NMFS), National Oceanic and

Atmospheric Administration (NOAA), Commerce.

**ACTION:** Notice; receipt of application for regulations and letter of authorization; request for comments and information.

**SUMMARY:** NMFS has received a request from Revolution Wind, LLC (Revolution Wind), a subsidiary of Ørsted Wind Power North America, LLC's (Ørsted), for authorization to take small numbers of marine mammals incidental to construction and operation activities associated with the Revolution Wind Offshore Wind Farm in Revolution Wind's lease area on the Outer Continental Shelf (OSC-A 0468) offshore of Rhode Island over the course of 5 years beginning in 2023. Pursuant to regulations implementing the Marine Mammal Protection Act (MMPA), NMFS is announcing receipt of Revolution Wind's request for the development and implementation of regulations governing the incidental taking of marine mammals and issuance of a Letter of Authorization (LOA). NMFS invites the public to provide information, suggestions, and comments on Revolution Wind's application and request.

**DATES:** Comments and information must be received no later than April 20, 2022.

**ADDRESSES:** Comments on the applications should be addressed to Jolie Harrison, Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service and should be sent to [ITP.Esch@noaa.gov](mailto:ITP.Esch@noaa.gov).

**Instructions:** NMFS is not responsible for comments sent by any other method, to any other address or individual, or received after the end of the comment period. Comments received electronically, including all attachments, must not exceed a 25-megabyte file size. Attachments to electronic comments will be accepted in Microsoft Word or Excel or Adobe PDF file formats only. All comments received are a part of the public record and will generally be posted online at <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable> without change. All personal identifying information (*e.g.*, name, address) voluntarily submitted by the commenter may be publicly accessible. Do not submit confidential business information or otherwise sensitive or protected information.

**FOR FURTHER INFORMATION CONTACT:** Carter Esch, Office of Protected Resources, NMFS, (301) 427-8421. An electronic copy of Revolution Wind's

application may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. In case of problems accessing these documents, please email the contact listed above.

#### **SUPPLEMENTARY INFORMATION:**

##### **Background**

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 issued or, if the taking is limited to harassment, a notice of a proposed authorization is provided to the public for review.

An incidental take authorization shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s), will not have an unmitigable adverse impact on the availability of the species or stock(s) for subsistence uses (where relevant), and if the permissible methods of taking and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth.

NMFS has defined "negligible impact" in 50 CFR 216.103 as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival.

The MMPA states that the term "take" means to harass, hunt, capture, kill or attempt to harass, hunt, capture, or kill any marine mammal.

Except with respect to certain activities not pertinent here, the MMPA defines "harassment" as: Any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

##### **Summary of Request**

On October 8, 2021, NMFS received an application from Revolution Wind requesting authorization for the taking of marine mammals incidental to construction and operation activities related to the development of the Revolution Wind Offshore Wind Farm

offshore of Rhode Island in Commercial Lease (OCS-A-0486). In response to our comments, and following extensive information exchange with NMFS, Revolution Wind submitted a revised application on February 23, 2022, that we determined was adequate and complete on February 28, 2022. Revolution Wind requested the regulations and subsequent LOA be valid for five years beginning in 2023.

Revolution Wind considered the following activities associated with Wind Farm construction and operation in its application: Impact installation of monopiles for wind turbine generators (WTG) foundations; impact installation of monopiles for offshore sub-station (OSS) foundations; potential detonations of unexploded ordnances (UXOs); construction of temporary cofferdams or casing pipes with support sheet piles at the sea-to-shore transitions, which includes vibratory installation and removal of sheet piles and pneumatic hammering installation and removal of casing pipes; site characterization surveys; fisheries monitoring; placement of scour protection; and export cable and inter-array cable trenching, laying, and burial. Vessels will be used to transport crew, supplies, and materials within the Project area and to the Wind Farm location to support pile installation. A subset of these activities (*i.e.*, installing and removing piles and casing pipes using impact and vibratory hammers, UXO detonation, and site characterization surveys) may result in the taking, by Level A harassment and Level B harassment, of marine mammals. Therefore, Revolution Wind requests authorization to incidentally take marine mammals.

##### **Specified Activities**

In Executive Order 14008, President Biden stated that it is the policy of the United States to organize and deploy the full capacity of its agencies to combat the climate crisis to implement a Government-wide approach that reduces climate pollution in every sector of the economy; increases resilience to the impacts of climate change; protects public health; conserves our lands, waters, and biodiversity; delivers environmental justice; and spurs well-paying union jobs and economic growth, especially through innovation, commercialization, and deployment of clean energy technologies and infrastructure.

Through a competitive leasing process under 30 CFR 585.211, Revolution Wind was awarded Commercial Lease OCS-A 0486 offshore of Rhode Island and the exclusive right to submit a construction

and operations plan (COP) for activities within the lease area. Revolution Wind, LLC has submitted a COP to BOEM proposing the construction, operation, maintenance, and conceptual decommissioning of the Revolution Wind project, a 704-megawatt (MW) commercial-scale offshore wind energy facility located within Lease Area OCS-A 0486 and consisting of up to 100 wind turbines, 2 offshore sub-stations, and 2 transmission cables to shore.

Revolution Wind anticipates activities potentially resulting in the taking of marine mammals could occur for the life of the requested regulations and LOA. This includes:

- Construction-related high-resolution site assessment geophysical surveys in all 5 years (248 survey days per year during Years 1; 25 survey days per year during Years 2 through 5);
- the installation of up to 100 WTG monopile foundations (12-meter (m) diameter piles) by impact pile driving from May through December in Year 1 over the course of 31 to 100 days;
- the installation of 2 OSS foundations by impact pile driving of 2 monopiles (15-m diameter piles) from May through December in Year 1 over the course of 2 days;
- the installation and removal of 2 temporary cofferdams by vibratory pile driving at the cable tie-in area in Year 1 (14 days for installation and 14 days for removal per cofferdam; 56 days total) or, as an alternative to cofferdams (and also at the cable tie-in area in Year 1), installation and removal of 2 casing pipes by pneumatic hammering and supporting sheet piles by vibratory pile driving (2 days for installation and 2 days for removal per casing pipe, 8 days total; 6 days for installation and 6 days for removal of support sheet piles per cable tie-in area, 24 days total); and,
- the potential detonation of up to 13 UXOs over the course of 13 days in Year 1 (1 UXO detonation per day, as necessary).

Revolution Wind has noted that these are the most accurate estimates for the durations of each planned activity, but that the schedule may shift over the course of the Project due to weather, mechanical, or other related delays.

#### Information Solicited

Interested persons may submit information, suggestions, and comments concerning Revolution Wind's request (see **ADDRESSES**). NMFS will consider all information, suggestions, and comments related to the request during the development of proposed regulations governing the incidental taking of marine mammals by Revolution Wind, if appropriate.

Dated: March 16, 2022.

**Kimberly Damon-Randall,**

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

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**BILLING CODE 3510-22-P**

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648-XB899]

#### Pacific Fishery Management Council; Public Meetings

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

**ACTION:** Notice of public meetings.

**SUMMARY:** The Pacific Fishery Management Council (Pacific Council) and its advisory entities will hold online and in-person public meetings.

**DATES:** The Pacific Council and its advisory entities will meet April 7–13, 2022 in a hybrid format with the Pacific Council and its salmon advisory bodies meeting in-person with live streaming and remote participation options. All other ancillary meetings will be held by online meeting only. The Pacific Council meeting will begin on Friday, April 8, 2022, at 8 a.m. Pacific Daylight Time (PDT), reconvening at 8 a.m. on Saturday, April 9 through Wednesday, April 13, 2022. All meetings are open to the public, except for a Closed Session held from 8 a.m. to 9 a.m., Friday, April 8, to address litigation and personnel matters. The Pacific Council will meet as late as necessary each day to complete its scheduled business.

#### ADDRESSES:

*Council address:* Meetings of the Pacific Council and its salmon advisory entities will be held at the Doubletree by Hilton Seattle Airport, 18740 International Boulevard, Seattle, WA; telephone: (206) 246-8600. Other ancillary meetings will be held online. All meetings of the Pacific Council and its advisory entities will include online meeting access and remote participation options. Specific meeting information, including directions on joining the meeting, connecting to the live stream broadcast, and system requirements will be provided in the meeting announcement on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)). You may send an email to Mr. Kris Kleinschmidt ([kris.kleinschmidt@noaa.gov](mailto:kris.kleinschmidt@noaa.gov)) or contact him at (503) 820-2412 for technical assistance.

*Council address:* Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

**FOR FURTHER INFORMATION CONTACT:** Mr. Merrick Burden, Executive Director, Pacific Council; telephone: (503) 820-2418 or (866) 806-7204 toll-free, or access the Pacific Council website, [www.pcouncil.org](http://www.pcouncil.org), for the proposed agenda and meeting briefing materials.

**SUPPLEMENTARY INFORMATION:** The April 7–13, 2022 meeting of the Pacific Council will be streamed live on the internet. The broadcasts begin initially at 9 a.m. PDT Friday, April 8, 2022, and through Wednesday, April 13, 2022. Broadcasts end when business for the day is complete. Only the audio portion and presentations displayed on the screen at the Pacific Council meeting will be broadcast. The audio portion for the public is listen-only except that an opportunity for oral public comment will be provided prior to Council Action on each agenda item. Additional information and instructions on joining or listening to the meeting can be found on the Pacific Council's website (see [www.pcouncil.org](http://www.pcouncil.org)).

The following items are on the Pacific Council agenda, but not necessarily in this order. Agenda items noted as "Final Action" refer to actions requiring the Council to transmit a proposed fishery management plan, proposed plan amendment, or proposed regulations to the U.S. Secretary of Commerce, under Sections 304 or 305 of the Magnuson-Stevens Fishery Conservation and Management Act. Additional detail on agenda items, Council action, and advisory entity meeting times, are described in Agenda Item A.4, Proposed Council Meeting Agenda, and will be in the advance April 2022 briefing materials and posted on the Pacific Council website at [www.pcouncil.org](http://www.pcouncil.org) no later than Friday, March 25, 2022.

#### A. Call to Order

1. Opening Remarks
2. Roll Call
3. Executive Director's Report
4. Approve Agenda

#### B. Open Comment Period

1. Comments on Non-Agenda Items

#### C. Habitat Issues

1. Current Habitat Issues

#### D. Salmon Management

1. National Marine Fisheries Service Report
2. Tentative Adoption of 2022 Management Measures for Analysis
3. Clarify Council Direction on 2022 Management Measures
4. Methodology Review Preliminary Topic Selection
5. Further Direction for 2022